GVIL. BARCLAII *J.C.*

OF THE AV-THORITIE OF THE POPE: WHETHER, AND HOW FARRE FORTH, he hath power and authoritie ouer Temporall Kings *and Princes,*

Liber posthumus.

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TO THE MOST HOLY FATHER AND LORD, CLEMENT the 8. Pope: *W. Barclay* wisheth health.

IF *Rome*, from *Peter* to this day, had seene such Bishops as your Holinesse is (most High Father and Prelate of Christians) there had been no place for this Question at this time. Your Moderation and Gentlenesse, answerable to your Name, either had not opened any gap to this Busines, or had barred the same by some graue Prouision, that it should not be opened. I haue here discussed the Question, touching the Temporall authoritie of your See ouer Kings and Princes; which hauing been canuassed with so great Troubles, and so much Blood, hath as oft afflicted the Church, as the Princes themselues: I haue also dedicated the same to you, lest I might seeme either to haue shunned your Iudgement, or to haue managed rather the Cause of the Kings, then of the Church. If I haue not pleased euery mans taste, I desire them to consider, That no Medicine brings

Health without bitternesse. It is peraduenture an odious argument to such as be scrupulous, or malitious, to peruert my sense and meaning: which notwithstanding, most Holy Father, I haue vndertaken, partly out of the loue of the Truth, partly also, for that, I haue been of opinion, that this Authoritie is the fountaine of all those tempests, wherewith Heresie tosseth your ship at this day.

Pope *Iulius* the 2. being alienated with a sudden vnkindnes, did not only thunder against *Lewes* the 12. King of *France*, but also depriued *Iohn* King of *Nauarre* of his kingdome, because hee assisted the French. And out of question *Lewes* his good fortune put by that Thunderbolt from *France*: but the Nauarrois hearing the Spaniard of one side, and being excluded on the other side by the Mountaines of *Pyrene* from the helpe of *France*, was not able to make his part good against the furie of *Rome*, and the ambition of *Spaine*. Being spoiled of the greater part of his kingdome, he retired into *France*, where he had a large and ancient Patrimonie. In the neck of this came the fire which *Luther* kindled, and the Heires of *Iohn*, King of *Nauarre*, inflamed with their priuate hatred, did very soone passe to that side, which bandied against the See of *Rome*. Therefore came Heresie first to be scattered thorow *France*, by the partialitie of those Princes, which through the flaming fire, and after through warres, hath continued to this day. As for *Henrie* the 8, King of *England*, who doubteth, that he departed not so much from the Religion as from the Pope, out of his Hatred against the very same Authoritie?

thoritie? *Clemens* the 7. had denounced *Henrie* depriued of the Right and Interest of his Kingdoms: and he againe conceiued an anger, which peraduenture was not vniust of his part, but blinde and intemperate. He opened *England* to Heretikes by the occasion of this schisme, who afterwards growing strong vnder *Edward* the 6, destroyed the ancient Religion. Againe, *Scotland* affected with the Neighbourhood and Communion of *England*, hauing held out vnder *Iames* the 5, at length was attainted in the beginning of *Maries* raigne, and presently after infected, when the poison had gathered further strength.

So what Heresie or Heretiques soeuer are in *France* and *Britannie* at this day (which is their onlie strong hold) was conceiued and hatched by this lamentable warmth of the Temporall Authothoritie, as a pestilent egge. Behold, most holy Father, how little good it doth the Church to challenge this Command, which like *Seianus* his Horse hath euer cast his Masters to the ground. Therefore haue I vndertaken this worke, out of my affection to Religion and Truth, not to the Princes, and of a sincere and humble minde haue presented the same to you the Chiefe Pastour, to whom it appertaineth to iudge of leper and leper.

If there be any thing in these writings, which you shall thinke good and profitable, I shall comfort my Old age with the most sweete remembrance of so great a Witnesse. But if allowing my affection, yet you shall not allow my Iudgement, it shall be to posteritie an argument of your Mode-

ration, that vnder you the ſimple libertie of Diſputation hath not been preiudiciall to any. Let this be an argument of your Moderation, but neuer of my Obſtinacie. For whatſoeuer is in this buſineſſe I leaue it to your Cenſure, that in this booke I may ſeeme not ſo much to haue deliuered, what I thinke, as to haue enquired of your Holineſſe, what I ought to thinke.

Fare you well.

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GVIL. BARCLAII. I.C.

Of the Authoritie of the Pope; *whether, and how farre forth, he* hath power and authoritie *ouer Temporall Kings* and Princes,

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MAny men haue written of this Argument, especially in our time, diuersly and for diuers respects: but none more learnedly and cleerely, then the most woorthie Cardinall and most learned Diuine *Rob. Bellarmine*, in those bookes, which he hath written of the chiefe or Romane Bishop. Who as he hath notably prooued the Spirituall and Ecclesiasticall power of the Bishop of Rome; so if he could haue confirmed with more sound weight of authorities and reasons, that temporall power, which hee affirmeth out of the opinion of certaine Diuines, that hee hath, there were nothing in that Treatise which might iustly be reprehended, or required by any man. If therefore many both Diuines and Ciuilians, one after another, haue emploied themselues in the discussing of this question, and the iudgement of the former writers thereof hath beene

no preiudice to the opinion of them which followed; why ſhould not I alſo (ſince I haue ſpent my time in this ſtudie) challenge after a ſort by a peculiar intereſt ſome place in the ſearching of the truth it ſelfe.

But before I beginne to ſhew what I thinke of this matter, there muſt ſome care and diligence be vſed by me, by way of Prouiſion, *Leaſt either any weake ones ſhould conceaue any ſcandall, who eſteeme the Pope to bee a God, who hath all power in heauen and earth* (*that I may vſe* [a] *Gerſons* words) or any aide ſeeme to come to the calumnies of the Nouators, wherewith they proſecute the Apoſtolike ſea, that they might depriue the chiefe Paſtor of ſouls of all his authoritie. Therefore the Reader muſt vnderſtand thus much, that I doe beare to that Sea all reuerence & good will, neither do goe about either here or any where elſe, to diminiſh any thing of the power and dignitie due to the Vicar of Chriſt, and the ſucceſſor of the holy Apoſtles *Peter* and *Paul*, by whoſe patronage I doe piouſly and plainly perſwade my ſelfe that I am daily aſſiſted: but that I haue this purpoſe onely to ſearch without all guile & deceit, without loue and hatred, what and how great that power is, which all Chriſtians ought to acknowledge in the Biſhop of Rome, that is, in the chiefe Biſhop and Pope as they call him: and without thoſe aſſertions, which wreſt mens mindes to one ſide or other, that I onely haue God before mine eies, leaſt at the returne of the Lord, I be challenged either for the vnprofitable emploiment, or the hiding of my talent.

[a] *In reſolut. circa materiam excom. conſider. xi.*

Therefore I deſire them, who haue written before mee, of a good minde as I ſuppoſe, that they take it not in ſcorne or anger, if I depart from their opinion. [b] *For (as I may ſay with S. Auguſtine) wee ought not to eſteeme euery mans diſputation, although they bee Catholike and praiſe woorthie, as if they were Canonicall Scriptures, as though it were not lawfull for vs, ſauing the reuerence which is due vnto them, to miſlike and refuſe ſome things in their writings, if perhaps wee ſhall finde, that they thinke otherwiſe then the truth beares, being*

[b] *Epiſt. 111. ad Fortunatianum Epiſc. de videndo Deo, reſertur diſt. 9. can. 10.*

being by the helpe of God vnderstood by others or by our selues. As I my selfe am in the writings of other men, so would I haue the vnderstanding Readers to bee in mine, that they would either curteouslie admit, or with reason reprehend. But to the matter.

There is amongst Catholikes, (for what others thinke I force not a whit) but those too much addicted to the Pope, a twofold opinion touching this question: one is of the Canonists, who affirme that *All rights of heauenly and earthly gouernment are granted by God to the Pope*, and that, whatsoeuer power is in this world, whether Temporall and Ciuill, or Spirituall and Ecclesiasticall is conferred by Christ vpon *Peter* and his successors: to which principle they doe easily draw any thing, so often as any disputation ariseth, touching the absolute power, or, as they vse to speake, touching the fulnesse of the power of the Pope. The other is the opinion of certaine Diuines, who do iustly dislike this ground of the Canonists, because it is not cleerely prooued either by authoritie of Scripture, nor tradition of Apostles, nor practise of the auncient Church, nor by the doctrine and testimonies of the auncient Fathers. Therefore these doe by most sound reasons conuince their opinion, I meane of the Canonists: but yet in such manner, as that by the losse of that, the Pope looseeth neuer a whit the more of his temporall interest and power, but they see that safely bestowed, and doe preserue it safe and sound for him. For they hold thus. *That the Pope as Pope hath not directly any temporall power, but onely Spirituall: but that by reason of the Spirituall hee hath at least indirectly a certaine power, and that verie great, to dispose of the Temporalities of all Christians.* And so looke what they doe allow the Pope, by a direct course, the same doe these men giue him, by an oblique and indirect meanes, so as the meanes onely is diuers, but the effect is the same.

For my part, when I consider of this question, I finde, that neither of their opinions as touching the tempo-

rall power, hath any certaine ground: and yet if they be compared together, that the Canoniſtes opinion may more eaſily be maintained then the Diuines: eſpecially ſeeing it is not contrary to the order of nature, according to which a man by his right exerciſeth authoritie granted vnto him ouer others, and therefore, it containes nothing vnpoſſible. But the opinion of the Diuines, as it is propounded by their owne ſide, ouerturnes the naturall courſe of things, which willeth, that no man vſe any power or authoritie ouer others, which is neither by name granted to him, nor is any whit neceſſary to the effecting of thoſe things which are committed to his truſt. Therefore theſe Diuines do indeed very well refute the opinion of the Canoniſts, but for all that, with their leaue, they thinke not a whit the better themſelues: whereby a man may ſee, how much more eaſie it is to finde an vntruth in other mens writings, then to defend a truth in his owne.

There is alſo euen amongſt themſelues a contention touching this point. For many of them haue ioined themſelues with the Canoniſts, either for that they are deceiued with a ſhew of truth: or that bearing too much, and that a very blind affection to *Peters* Sea, (which indeed is woorthy all honour) they would alſo grace it with this title of Power and Dignitie: or being obliged by ſome ſpeciall fauors of the Popes, haue by this endeuor of thankfulnes deſired to draw their good opinions cloſe to themſelues, I will not ſay, to gaine them through this vnreaſonable flattery of theirs. And amongſt theſe is one, who being lately ſprung out of the Congregation of the Oratrie, hath ſtept foorth as a * ſharpe Abettour for the Canoniſts aboue other men. Whom therfore a learned man & a famous preacher, as any is amongſt the Ieſuites, when I asked him what he thought of this opinion of *Bozius*; hee called him a Popes paraſite. For in his books he doth earneſtly maintaine, *That all Kingly power and authoritie, and Lordſhip of all things, which are in earth, are giuen to the Biſhop of Rome, by the Law of God*, and that what power ſoeuer wher-

* *Tho. Bozius.*

wherſoeuer in the world temporall Kings and Princes, aſwell beleeuing, as vnbeleeuing haue, doth wholly depend of the Pope; and ſo farre as concernes temporall execution is deriued from him to them: So that he as the Lord of the whole world, may giue and take kingdomes and principalities to whom and where he will, although no man knowes why he doth ſo. *And therefore* (ſaith he) *he might adiudge and bequeath the Weſt Indies of Caſtile, and the Eaſt Indies of Portingall, although all men vnderſtand not the coherence of the reaſon, whereby they were diſpoſed as wee ſaid before.*

And therefore being emboldned with a confidence of maintaining this opinion, he doth greeuouſly accuſe many excellent Diuines, amongſt whom is that worthy man *Bellarmine*, who can neuer woorthily be commended, & [d] cals them new Diuines, & affirmeth, [e] *That they teach matters, that be notoriouſly falſe, and contrarie to all truth*: becauſe they ſay, that Chriſt as man was not a temporall king, neither had any temporall dominion in earth, nor exerciſed any kingly power, (for by theſe aſſertions the principall foundations of *Bozius* his dotages are ouerthrowen:) when as theſe great Diuines affirme that they are moſt true and confirmed by the owne teſtimonie of our Sauiour: *The Foxes* (ſaith he) *haue* * *holes, and the birds of heauen neſts, but the Sonne of man hath no where to lay his head.* Where then is his kingdome? where is his Temporall dominion? who can conceiue and imagine that there is a king or a Lord, who hath neither kingdome nor Lordſhip in the vniuerſall world. We know that Chriſt as he is the Sonne of God, is King of glorie, the King of Kings, the Lord of heauen and earth, and of all things raigning euerlaſtingly together with the Father & the holy Spirit. But what is this to a Temporall kingdome? What is this to a crowne and ſcepter of a temporall Maieſtie? Certainly I haue peruſed all that *Bozius* hath deliuered to this purpoſe: but I haue not found any ſound reaſon for the confirming of his purpoſe, nothing that was not corrupted

[d] *Lib. 2. cap. 12.*
[e] *Lib. 5. cap. vlt.*
* Matth. 8. Luk. 9.

ted with the mixture of fallaries, and ſophiſtication, nothing grounded vpon ancient and approoued authorities, nothing but depraued with a gloſſe of a deuiſed interpretation. Before this time *Henricus Segutianus*, Cardinall of Hoſtia, was intangled with the ſame errour, whoſe new and ſtrange opinion at that time, is thought within a while after to haue inflamed beyond all meaſure, as it were with new firebrands of ambition *Boniface* the 8. a man exceeding deſirous of glorie. But the caſe is at this time very well altered, becauſe that opinion of *Hoſtienſis*, (which afterwards the Canoniſts followed, & *Bozius* now embraceth) is vpon very grounded reaſon condemned by certaine Diuines, And alſo for that the Church of God hath at this day ſuch a chiefe Biſhop, I meane *Clement* the eight, who ſheweth himſelfe to the world ſo excellent and admirable, not onely in pietie & learning, but alſo in humility, iuſtice, charitie, and other vertues, worthy ſo great a Paſtor: that we need not feare leaſt ſuch a Biſhop ſhould bee ſo ſtirred and infected with a vaine opinion, which is vnderpropped onely with fooleries, and ſnares of words, that hee ſhould challenge to himſelfe any thing, which of due belonged not vnto him. Neither had *Bozius* offered ſo raſh aſſertions to ſo great a Biſhop, but that impudencie dare doe any thing. It were time ill ſpent to touch ſeuerally vpon all his errors and fopperies. Onely leaſt I ſhould ſeeme for mine owne pleaſure onely to haue found fault with the man, I will lay before you one inſtance of his fooliſh and quirking dealing, that the Reader may iudge of the beaſt by his hoofe.

Chap. II.

FIrſt of all we muſt vnderſtand, that thoſe two powers, whereby the world is kept in order, I meane, the Eccleſiaſticall and the Ciuill, are ſo by the law of God
Rom. 13. diſtinguiſhed and ſeparated, (that although they bee both of God) each of them being included in his bounds, can not

not by any right enter vpon the borders of the other, and neither haue power ouer the other, as [a] *S. Bernard* truely and sweetly teacheth in his first booke, *de Consider. ad Eugenium:* [b] and amongst the later Diuines, *Iohn Driedo.* [c] And the woorthy *Hosius* Bishop of Corduba, writing to the Emperour *Constantine*, an Arrian, doth euidently declare the same difference of these two powers: whose opinion is set downe in this maner, in a letter of S. *Athanasius*, written to them which lead a solitarie life: *God hath committed a gouernment to you: to vs he hath entrusted the matters which belong to the Church: and as hee who with enuious eies maligneth your gouernment, doth resist the diuine ordinance, so take you heed, least by drawing to your selfe those things which belong to the Church, you proone guilty of a great fault: It is written, Giue to* Cæsar, *those things which be* Cæsars, *and to God, which are Gods* [*]. *Therefore neither is it lawfull for vs to exercise an earthly empire, nor you being Emperour, haue any power ouer our sacrifices and holy things.* From hence it is, I meane from this distinction of powers, that *Innocentius* and *Panormitanus* doe conclude, that [d] Lay-men are not bound to obey the Pope in those things which are not Spirituall, or which concerne not the soule, as they speake: vnlesse they liue in those territories, which bee subiect to the temporall Iurisdiction of the Pope. And so ought that oath of the Profession of faith in the Bull of *Pius* the fourth to be restrained, where it is said, *To the Bishop of Rome, &c. I promise and sweare true obedience,* when he is of the Laity that sweareth.

Bozius notwithstanding denieth this distinction of these powers: and affirmeth full vndiscreetly, that the temporall is contained vnder the Ecclesiastical, and is directly subiect to it. But hee perceaued that which was prest with the euident confession of the holy Bishop, *Nicolas* 1. who in a letter to *Michael* the Emperour, teacheth, that although in times past [e] *Heathen Emperours were called the chiefe Bishops, yet when it came to the true King and Bishop, neither did the Emperour draw to himselfe the interest of the*

[a] *Can. duo sunt can. cum ad verum 96. dist. cap. nouit. de iudic. cap. per venerabilem, qui filij sunt legit.*
[b] *Cap. 6.*
[c] *Lib. 2. de libert Christ. cap. 2.*
[*] Matth. 22. Mark. 12.
[d] *In cap. inquisitioni de sent. excom.*
[e] *Dist. can. cùm ad verum 96. dist.*

Biſhop, nor the Biſhop vſurped the name of the Emperour: becauſe the ſame Mediator of God and men: the man Chriſt Ieſus, did ſo by their proper functions, and ſeuerall priuiledges diſtinguiſh the duties of both the powers, willing that his proper offices ſhould be aduanced by a wholeſome humilitie, not by humane pride be againe drowned into hell, that both Chriſtian Emperours might ſtande in need of Biſhops for eternall life, and Biſhops might vſe imperiall laws for the courſe of temporall things onely, &c.

Therefore when as he ſaw by the teſtimony of a chiefe Biſhop, that both the Powers were ſo diſioined and ſeuered by their proper actes, dignities, and duties, that neither the temporall power might without iniurie vſurpe the rights of the Spirituall power, nor contrary: this fine witted gentleman, that he might vnwinde himſelfe out of this brake, he ſlips me into a blinde turning of an interpretation, which was neuer heard of before: wherein hee ſhewes himſelfe very ridiculous, nor ſo cunning in inuenting, as
1. vnaduiſed in deliuering the ſame. * *But we muſt marke, ſaith he, in theſe words of Nicolaus: firſt, that he doth not affirme, that the Laye power is ſeuered from the Spirituall, that an Eccleſiaſticall power may not haue it, but that a Secular man may not haue an Eccleſiaſticall power: therefore he ſaith that theſe powers are diſtinguiſhed, not all together, as though one were not ſubordinate and ſubiect to the other, but he affirmeth that they are diſtinguiſhed by their Offices, Actions and dignitie: and withall when he had ſaid, neither did the Emperor draw to himſelfe the Priueledges of the Biſhopricke, he ſaid not againe, the Biſhop drew not to himſelfe the priueledges of the Emperor. He ſaith not, the Priueledges, or Rights, as Navarra, in Cap. Nouit. hath reported falſly, nor as I thinke, marking what he ſaid: but ſaith* Nomen, *the name.*

What ſhould a man doe with ſuch a myching bird-catcher of wordes: who a man would thinke ſtudied to make Pope *Nicolas*, not a Paſtor, but an impoſtor, and that he ſhould ſeeme not to inſtruct, but to mocke the Emperour, for what I pray you? was this conference betweene the

Pope

Pope and the Emperour, of wordes, and not of things: of the name, and not of the right and power? or did the Bishop write these letters that by the obscure doubtfulnesse, or change of a word, he might entrap the Emperour, and not rather, that hee might instruct him by a plaine discourse of truth? It is a speech of a good conceipt, [1] that lawes are imposed by deedes, and not by wordes: and this letter, is in a manner, as an Ecclesiasticall law. What then *Nicolaus* saith: *Neither did the Bishop vsurpe the name of the Emperour*, it is as much as if he had said, *he vsurped not the Right, or the Rights of the Emperor*, which *Nauarrus* the most learned both Canonist and Deuine, obseruing, and others of all ages, that were exercised in those knowledges, haue taken *Nomen* and *Iura* for the the same in that Epistle; which notwithstanding either of ignorance or malice are wrested quite from the meaning by this hunter of words this way and that way, as please him. [k] *This is not to know the lawes, to vnderstand their wordes, and not their force and meaning.*

[1] L. 2. C. com. de legat.

[k] L. Scire leges D. de legib.

But this interpretation of *Bozius* is refelled by this, that the Pope by these wordes *as the Pagan Emperours were also called the chiefe Bishops*, that is, (named) did not meane an empty and a bare name, as though Emperours, were onely named Bishops, but the right, and office, because together with the names they retained all the rights, and offices, and dignities that were incident to each power, which seeing it is most true and *Bozius* dare not deny it: it followeth certainly that either no contrary comparison, nor perfect difference between the Popes and Emperours of these and those times, is in that place designed by *Nicolaus, or by the name of the Emperour*, that he vnderstands all the Imperiall right: that as after Christ acknowledged and receiued, the Emperours assumed not to themselues any more the rights of the Bishopricke, so neither Bishops the rights of Emperours. To conclude, if the Pope had in this place signified, that hee refused onely the name of the Emperour, but retained the right and power: might

not the Emperour iuſtly reply, that he ſtands not ſo much vpon the Name, as vpon the Right? what ſhould he doe with the Name, if another carie away his Right and Power? hee had certainly ſaid it, neither would he haue put vp ſo foule an indignitie, if hee had beleeued that any ſuch thing might bee gathered, out of Pope *Nicolas* his wordes.

But ſaith *Bozius*, he ſaid not their powers were (*wholy*) diſtinguiſhed. I confeſſe, and that not without ſpeciall care, leſt hee ſhould giue to the Popes flatterers, or any other bulie Companions an eaſie occaſion of Cauill and Exception. For *Bozius* would interpret that word, (*call together*) *as farre as belonged to Execution*: therefore hee ſpake more and more plainly, to wit, that thoſe powers are ſeuered and parted, in their proper Actions, Offices and Dignities, that he might manifeſtly ſhew, that by no meane they are ioyned together, and that one is not ſubiect to the other, although both of them may concurre in the ſame perſon. For the ſame perſon may bee both a temporall Prince and a Biſhop: but neither as a Pope can hee chalenge to himſelfe, the actions, offices, dignities and other rights of Temporall things, nor as a Prince of Spirituall. If therefore theſe powers be ioyned together, neither in dignities, offices, nor actions, let *Bozius* tell vs wherein they are ioyned? If he ſay, in that becauſe *one is ſubordinate and ſubiect to the other*: that is it, which we deny, and which if it were true, it would follow neceſſarily, that thoſe powers are diſtinguiſhed neither in dignities, nor offices, but onely in actions, and ſo this opinion of Pope *Nicolaus* ſhould bee falſe, for dignitie and office, which is in the Perſon ſubordinated, cannot but be in the Perſon, which doth ſubordinate, ſeeing it is deriued from him into the Perſon ſubordinated. Hence it is, that the Prince takes himſelfe to be wronged, while his Miniſters are hindred in the execution of their offices? and the Pope thinketh himſelfe and his Sea Apoſtolike to be contemned, if any Contempt be offered to the authoritie of his Legate, ſent

by

by him. But all things, and Persons are proclaimed to be free, and not subiect, vnlesse the contrary be prooued. And if these things be so, it is very ridiculous, and a meere fancie of *Bozius* his braine, that he saies, how it appeares by the former speeches of Pope *Nicolaus*. *That hee doth not affirme, the Lay power to be disioyned from the Spirituall so as a Person Ecclesiasticall may not haue it: but that a temporall Person may not haue an Ecclesiasticall.* For where can this appeare? seeing in that letter, there is not one word to be seene, whereby that may be gathered in any probabilitie. And hitherto haue I said enough of this *Bozius* his error. And I am perswaded that no man is so madde, that in the determination of this businesse, touching the distinction of these powers, will not giue credit rather to *Hosius*, then to *Bozius*.

Chap. III.

I Would here annex other examples of *Bozius* his error, but that I know that this opinion which he endeuoureth to reuiue being now laid asleep, and almost extinguished, seemeth in these daies to the learned so absurd, and that it is refuted and ouerthrowen, with so many and so cleere reasons, that now a man need not feare least any be inueigled and ouertaken therewith. For first it is certaine, that neither *Bozius* nor al his abetors, although they weare & wrest the sacred writings, and works of the fathers neuer so much, shall euer be able to produce any certaine testimony, whereby that same temporall iurisdiction and power of the Pope, which they dreame on, ouer Princes and people of the whole world may be plainly confirmed.

Nay but not so much as any token or print of any such temporall power deliuered by hand from the Apostles and their successors can be found, from the passion of Christ, for seauen hundred, nay I may say for a thousand yeeres. For which cause, the most learned *Bellarmine* in the refutation of this opinion doth very wittily and shortly vse this strange reason: *If it were so saith he* (that * the

* *Lib. 5. de Rom Pont. cap. 3.*

*Lib. 5. de Rom. pont. cap. 3.

Pope be temporall Lord of the whole world,) *that should plainly appeare by the Scriptures, or surely out of the tradition of the Apostles. Out of the Scriptures we haue nothing but that the keies of the kingdome of heauen were giuen to the Pope, of the keies of the kingdome of the earth, there is no mention, and the aduersaries bring forth no tradition of the Apostles*]. The which matters, and with all, the great diuision about this matter between the Diuines and the Canonists, and of each of them one with another, maketh that this question of the temporal power of the Pope, seemeth very doubtfull and vncertaine, and wholly to consist without any ground, in the opinion and conceipt of men: and therefore, that the truth thereof is to be searched and sifted out by the light of reason, & sharpnesse of arguments: and that it is no matter of faith, as they speake, to thinke of it either one way or other: for that, those things which are matters of faith, are to be held of all men after one manner.

But for mine owne part, although I doe with heart, and mouth professe, that the chiefe Bishop, and prelate of the city of Rome, (as being the* Vicar of Christ, & the lawfull successor of *S. Peter*, yea the vniuersall and supreme pastor of the Church) is indued with spirituall power ouer all christian Kings, and Monarchs, and that he hath, and may exercise ouer them the power to bind, and loose, which the Scripture doth witnesse that it was giuen to the Apostle *Peter* ouer all soules: yet notwithstanding I am not therefore perswaded that I should alike beleeue, that he comprehendeth secular Kings and Princes with in his temporall iurisdiction, or when they doe offend against God or Men, or otherwise abuse their office, that he may in any sort abrogate their gouernment, and take their Scepters away, and bestow them on others: or indeed in a word, that he hath any right or iurisdiction temporall ouer any lay-persons, of what condition or order, and ranke soeuer they be: vnlesse he shall purchase the same by Ciuill and lawfull meanes: For as much as I haue obserued that the

*See the admonition to the reader.

opinion

opinion which affirmeth the ſame, hath beene aſſaied indeed and attempted by diuers, but hitherto could neuer be prooued of any ſufficient and ſtrong reaſon, and for the contrarie opinion much more weightie and more certaine reaſons may be brought. For my part in regard of the zeale I beare to the Sea Apoſtolike, I could wiſh with all my heart, that it might be prooued by certaine and vndoubted arguments that this right belongs vnto it, being very ready to encline to that part, to which the weightier reaſon, and authority of truth do ſwaie. But now let vs come nearer to the diſputation it ſelfe.

That it is euidently falſe, that the Pope hath authority and rule ouer Kings and Princes, it is certaine, euen by this; that it were an abſurd thing, and vniuſt to ſay that heathen Princes are receiued by the Church, in harder and worſer termes, then other particular men of the commons whoſoeuer: or that the Pope hath at this day greater power ciuill ouer chriſtian Princes, then in times paſt *S. Peter* & the reſt of the Apoſtles, had ouer euery priuate man, that was a child of the Church: but they in thoſe times had neuer any right or power temporall ouer chriſtian lay-perſons, therefore neither hath the Pope now a daies any temporall power ouer ſecular Princes. The aſſumption is prooued by this: becauſe it is moſt certaine that in the time of the Apoſtles, the Eccleſiaſticall power was wholy ſeuered from the ciuill, (I doe not here weigh *Bozius* fooleries), and that this ciuill power was wholly in the hands of heathen Princes out of the Church. In ſo much as the Apoſtles themſelues, were within the temporall iuriſdiction of the heathen, and that both *Albert Pighius* and [m] *Robert Bellarmine* and [n] other notable Diuines doe ingenuouſly confeſſe. For Chriſt came *not to diſſolue the law, but to fulfill it*: Nor to deſtroy the lawes of nature and nations, or to exclude any perſon out of the temporall gouernment of his eſtate. Therefore as before his comming Kings ruled their ſubiects by a ciuill power, ſo alſo after that he was come, and gone againe from vs into

[m] *Lib. 5. ca. 7.*
[n] *Hierar. Eccl. lib. 1. de pon. Rom. cap. 29.*

heauen, they retained ſtill the ſelfe ſame power, confirmed alſo, neither then any whit diminiſhed by the doctrine of the Apoſtles. If therefore *Peter* and the other Apoſtles, before they followed Chriſt, were ſubiect to the authority and iuriſdiction of heathen Princes, (which can not be denied,) and the Lord hath no where expreſly and by name, freed them from the obligation of the law of nature and of nations, it doth follow neceſſarily, that euen after the Apoſtleſhip, they continued vnder the ſame yoke, ſeeing it could no way hinder the preaching, and propagation of the Goſpell. For although, they had been freed by our Sauiour his warrant, what I pray you, had this exemption auailed them to the ſowing of the Goſpell? or what could thoſe few and poore men haue done more, being in conſcience looſed from the band of temporal iuriſdiction, then if they were left in their firſt eſtate of obedience? ſeeing that that priuiledge of liberty, (if they had obtained any ſuch thing,) had been hindred and fruſtrated by the ſeruile and vniuſt courſes of vnbeleeuing Princes and people. But it appeareth both by their doctrine and practiſe, that they themſelues were ſubiect to Princes, like other citizens: for that can not be laied in their diſh, whereof Chriſt challengeth the Scribes and the Phariſies, that they did one thing and taught an other. Now they taught chriſtians that the ſubiection and obedience, whereof we ſpeake, is to be giuen to Kings and Princes*: for which cauſe *Paul* himſelfe appealed to *Ceſar*, and willed all chriſtians to be ſubiect to the temporall power of the heathen, *not only becauſe of wrath, but alſo for conſcience ſake*. Now for that ſome ſay, that in that place, *S. Paul* doth not ſpeake of the temporall power of ſecular Princes, but of power in generall, that euery one ſhould be ſubiect to his ſuperior, the ciuill perſon, to the ciuill, the eccleſiaſticall to the eccleſiaſticall, it is a mere cauill, and an anſwer vnworthy of learned men and Diuines. Seing in that time there was commonly no other iuriſdiction acknowledged amongſt men then the ciuill and temporall: and the Apoſtle

* *Ad Rom. 13.*

ſtle inſpired with the ſpirit of God, ſo penned his Epiſtles, as that he did not onely inſtruct them, that were conuerted to the Faith, and admoniſh them of their dutie, leaſt they ſhould thinke that they were ſo redeemed by Chriſt his bloud, as that they were not bound any longer to yeeld obedience to any Ciuill power, (which conceit was now wrongfully ſetled in the mindes of certaine perſons, relying vpon the honor, and priuiledge of the name of a Chriſtian) but alſo that hee might giue the Heathen and Infidels to vnderſtand, that Chriſtian religion doth take no mans intereſt from him, neither is it in any manner contrary to the temporall authoritie and power of Kings and Emperours. Therefore it is cleare, that in that place the Apoſtle ought to bee vnderſtood, of the Temporall power onely, becauſe at that time, as hath beene ſaid, there was no other authoritie acknowledged: and in that ſenſe haue the ancient Fathers euer interpreted the Apoſtle in this place: wherupon S. *Auſtine* in the expoſition of that place, confeſſeth that himſelfe and by conſequent in his perſon all the Prelates of the Church are ſubiect to the Temporall power: whoſe wordes, becauſe they bring great light to this diſputation, I will ſet downe entier as they lye. *Now for that he ſaith, Let euery ſoule bee ſubiect to the higher powers, for there is no power, but of God: he doth admoniſh very rightly, leſt any becauſe he is called by his Lord into libertie, being m[illegible]Chriſtian, ſhould be lifted vp into pride, and not thinke [illegible] in the courſe of this life that he is to keepe his ranke, neither ſuppoſe that hee is not to ſubmit himſelfe, to the higher powers, to whom the gouernment is committed for the time in Temporall affaires, for ſeeing we conſiſt of minde and bodie, as long as we are in this temporall life, and vſe temporall things for the helping of this life, it behooueth for that part, which belongs to this life to be ſubiect to powers, that is, to men, who in place and honour doe manage worldly matters. But of that part whereby we beleeue in God, and are called into his kingdome, wee ought not to be ſubiect to any man, that deſires to ouerthrow the ſame in vs, which God hath vouch-*

saſed to giue vs to eternall life. Therefore if any man thinke, becauſe he is a Chriſtian, that he ought not to pay cuſtome or tribute, or that hee need not to yeeld honour due to thoſe powers, who haue the charge of theſe things, he is in a great error. Againe, if any man thinke that he is to be ſubiect ſo far, as that he ſuppoſeth, that hee who excels in authoritie for temporall Gouernment, hath power ouer his Faith, he falls into a greater error. But a meane muſt bee obſerued, which the Lord himſelfe preſcribeth, that we giue to Cæſar, thoſe things that are Cæſars, and to God, which are Gods.

Here *Auſtine* comprehends many things in few words which ſupport diuers of our aſſertions, which are here and there ſet downe in this Booke. For both firſt he teacheth, that which we haue ſaid, that the profeſſion of Chriſtian Religion exempteth none from the ſubiection of Temporall power: whereof two things neceſſarily follow; whereof the one is, that the Apoſtles and all other Chriſtians were ſubiect to the authoritie of Heathen Princes and Magiſtrates, and therefore that neither S. *Peter*, nor any other Apoſtle, was endued with any Temporal power ouer Chriſtians, for that it was wholy in the hands of the Heathen, as we haue ſhewed in this Chapter. The other, that it was not lawful for thoſe firſt Chriſtians to fall from the obedience of Heathen Princes, and to appoint other Princes and Kings ouer themſelues, although they had ſtrength to effect it, (as *Bellarmine* vntruly thinketh) [q] becauſe they were not deliuered from the yoke of Temporall power, to which they were ſubiect, before they receiued the Faith of Chriſt, which we will declare hereafter *Chap.* 21. in a large diſcourſe. Thirdly, ſeeing he ſpeaketh generally of that ſubiection, and vſeth ſuch a ſpeech, wherein he includeth himſelfe, and excepts none, he doth plainly enough declare, that Clergie-men as well as Laymen are in this life ſubiect to Temporall power: Laſtly, he deliuereth vs a notable doctrine, of a twofold dutie of Subiects, both toward God and toward the King, or the Temporall power, in what manner both of them ought

[q] *Lib. 5. de Rom Pont. C. 7.*

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to ſerue, and yeeld that which is right and due, which learning we haue followed in this Booke, and in the Bookes *De Regno*. Therefore let vs lay this downe as a maine ground, that the place of S. *Paul*, which we ſpake of before, is ment by him onely of the Temporall iuriſdiction. And yet wee confeſſe, that that opinion of performing obedience may very truly bee applied to Spirituall iuriſdiction alſo, by reaſon of the generall ſimilitude, and as they ſay, *of the identitie of reaſon*, which holdes ſo iuſtly between them [g].

[g] *L. illud D. ad leg. Aquil.*

If then the Apoſtles in thoſe times had no Temporall iuriſdiction ouer priuate men, that were regenerate and made the children of the Church, how can it be, that the ſucceſſors of the Apoſtles ſhould obtaine that iuriſdiction ouer Princes, who come to the Church? Seeing it is repugnant of the Succeſſors part, that they ſhould haue more intereſt ouer their ſpirituall Children, by vertue of the power Eccleſiaſticall, then the Apoſtles had, whom they ſucceed. But on the Princes part, what can be ſpoken with more indignitie and iniuſtice, then that they profeſſing the faith of Chriſt, ſhould bee preſſed with a harder yoke, then any priuate man among the Multitude. But priuate men when they entred into the ſpirituall power of the Church; loſt no inheritance nor any temporall intereſt, excepting thoſe things, which they offered of their owne accord, and conferred to the common vſe, as appeareth in the Actes of the Apoſtles, [h] where *Ananias* his lye coſt him his life, being taxed by S. *Peter*, in theſe wordes, *whileſt it remained, did it not appertaine to thee? and after it was ſould, was it not in thine owne power?* Likewiſe therefore the Princes alſo after they gaue their name to Chriſt, retained entirely and vntouched all their temporall intereſt, I meane their Ciuill gouernment and authoritie. Neither doth it a whit helpe the Aduerſaries cauſe, to ſay that the Apoſtles therefore had no Temporall power ouer the Princes of their age, becauſe they were not as yet made Chriſtians, according to that [k] *for what*

[h] Act. 5.

[k] 1. Cor. 5.

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haue I to doe, to iudge those, which are without? But that the Pope now hath that power, because they are made Christians and sonnes of the Church, because he is the supreme Prince and head in the earth, and the Father of all Christians, and that the right order of Nature and Reason doth require, that the Sonne should bee subiect to the Father, not the Father to the Sonne. This reason is so trifling and meerely nothing, that it is a wonder, that any place hath been giuen to it by learned men, for that spirituall subiection, whereby Princes are made sonnes of the Pope, is wholy distinguished and seperated from Temporall subiection, so as one followeth not the other, But as a President or Consul in the time while he is in office, may giue himselfe in adoption to another, and so passe into the family of an adoptiue father, and into a fatherly power: whereas notwithstanding by that lawfull act, he transferreth not vpon the Adopter, either his Consular authoritie, nor any thing else appertaining to him by the right of that office; so Kings and Princes, and generally all Men, when they enter into the bosome of the Church, and yeeld themselues to be adopted by the chiefe Bishop, as their Father, doe still reserue to themselues whatsoeuer temporall Iurisdiction or Patrimonie they haue any where, free, entier and vntouched by the same right, which they had before, and so the Pope acquires no more temporall power by that spirituall Adoption, then he had before, which shall be prooued at large hereafter.* * Cap. 14.

To this I may adde, that when the Christian Common-weale did exceedingly flourish, both with multitude of Belecuers, and sanctimonie of Bishops, and with learning and examples of great Clerkes, and in the meane time was vexed and tossed by euill Princes, euen such as by Baptisme were made sonnes of the Church, there was not any I will not say expresse and manifest declaration, but not so much as any light mention made amongst the Clergie of this Principalitie, and temporall iurisdiction of the Pope ouer secular Princes, which notwithstanding

if

if it had beene bestowed by the Lord vpon *Peters* person, or in any sort had belonged to his successors, although in truth or in deed as they speake, they had not exercised it, it had neuer beene passed ouer in so deepe silence and so long, of so many and so worthy men for holinesse and wisedome, and such as for the cause of God and the Church feared nothing in this world. Who will beleeue that all the Bishops of those times, burning with zeale and affection to gouerne the Church, would so neglect this part of this Pastorall dutie, if so be they had thought it to be a part, (wherein certaine of their successors haue placed the greatest defence and protection of the Faith) that vpon so many and so great occasions they would neuer vse it against hereticall Emperours? And yet there was neuer any amongst them, who euer so much as signified by writing or by word, that by the law of God he was superiour to the Emperour in temporall matters. Nay rather euery one of them as he excelled most in learning and holinesse, so he with much submission obserued the Emperor, and sticked not to professe himselfe to bee his vassall and seruant. S. *Gregorie* the Great, may stand for many instances, who in a certaine Epistle to *Mauricius* the Emperor. * *And I the vnworthy seruant of your Pietie*, saith he, and a little after, *For therefore, is power giuen from heauen to the Pietie of my Lords, ouer all men*, (he said *Lords*, that he might comprehend both the Emperour and *Augusta*, by whom *Mauricius* had the Empire in dowrie.) Marke how this holy Bishop, witnesseth that power is giuen from heauen to the Emperour ouer the Pope; *aboue all men*, saith hee, therefore aboue the Pope, if the Pope be a man. Now it matters not much for the minde and sense of the Author whether he writ this as a Bishop and a Pope, or as a priuate person, seeing it is to be beleeued, that in both cases hee both thought and writ it, for our purpose it is enough to know how the Bishops of that age did carie themselues toward the Emperour, for I feare not, lest any learned man alleadge, that *Gregorie* in that Epistle did so in his humili-

* *Lib. 2. Epist. 61. indict. 11.*

tie exalt the Emperour, and submit himselfe to him, by a subiection, which was not due to him. Because if any sillie fellow doe thus obiect, I will giue him this answere onely, that he offers so holie a Bishop great iniurie, to say that for humilitie sake he lyeth, and that he lyeth to the great preiudice of the Church and dignitie of the Pope, so as now it is no officious, but a very pernicious lye. Let him heare S. *Austine*. [1] *When thou lyest for humilities sake, if thou diddest not sinne before thou didst lye, by lying thou hast committed that, which thou diddest shun.* Now that *Gregorie* spake not faignedly, and Court-like, but from his heart, those wordes doe testifie, which he writeth more expresly about the end of that Epistle of his necessarie subiection and obedience toward the Emperour. *Mauricius* had made a law, which, though it were vniust and preiudiciall to the libertie of the Church, yet *Gregorie*, receiuing a Commandement from the Emperour to publish it, did send it accordingly into diuers countries to be proclaimed. Therfore thus he concludes that Epistle: *I being subiect to the Commandement, haue caused the same law to bee sent abroad into diuers parts of the world: and because the same law is no whit pleasing to Almightie God, behold I haue signified so much to my honorable Lordes by this letter of my suggestion. Therefore in both respects I haue discharged my dutie, in that I haue both performed my Obedience to the Emperour; and haue not concealed that which I thought on Gods behalfe.*

[1] Serm 29. de verb. Apost. tom. 10.

O diuine Prelate, and speech, to be continually remembred to all succeeding Bishops of all ages. But ô God! whether is that gentle and humble confession banished out of our world? to which this threatning and insolent speech against Kings and Emperors hath by little and little succeeded: *We being placed in the supreme throne of iustice, possessing the supreme power ouer all Kings, and Princes of the vniuersall earth, ouer all Peoples, Countries, Nations, which is committed to vs not by humane but by diuine ordinance, doe declare, will, command* [2]: *&c.* which word it is plaine euen by this, that they are false and vaine, because the

[2] Ex. bul. Pij 5. aduers. Regin. Ang. & sexti 5. contra Reg. Franc.

the Pope hath neither ſpirituall nor temporall power ouer vnbeleeuing Princes and People, as *Bellarmine* with very good reaſon ſheweth in his bookes of the Biſhop of Rome[b]:

[b] *Lib. 5. cap. 2.*

Theſe, and ſuch like faſhions as theſe, who will they not driue into amazement and wonder at ſo great a change of the Popes ſtate and gouernment? or doe they not giue to all men iuſt cauſe to enquire, wherefore the former Popes in the moſt flowriſhing age of the Church, acknowledged themſelues to be the ſeruants, ſubiects, and vaſſals of Princes, and obeied their authority in temporall matters, when as they notwithſtanding were ouer them in ſpirituall: and our later Popes profeſſe themſelues to be Lords of all Kings, Princes, Countries, and Nations? In very truth, this matter doth giue no ſmall occaſion to many learned men and good Catholikes, to doubt of the iuſtneſſe of this change: yea indeed to beleeue that a temporall gouernement ſo great and ſo abſolute had his beginning in the perſons of Popes, not from God omnipotent, but from the impotent ambition of certaine men: and that it was not in the beginning conferred from heauen vpon *Peter*, by the Lord Chriſt, but was vſurped by certaine ſucceſſors of *Peter*, many ages after, according to the faſhion of the world: that is, certaine Popes, hauing a maſſed huge ſtore of wealth and riches, and foſtering their blind ambition and fury, by little and little challenged that greatneſſe to themſelues, whereby they laboured and ſtroue, that it might be lawfull for them to take away and beſtow, what ſoeuer Kingdomes and Principalities are in the world. Sure they were men, and as other men are, ſometimes too greedy of vanity: as was he, who only for the malice he bare againſt *Philip* the Faire, King of France, ſet forth a decretall conſtitution[c] which brought foorth ſo many ſcandalls, ſo many dangers, that it deſerued foorthwith to be abrogated by *Boniface* his ſucceſſor[d]. Now the admirable and miſerable aſſentation of certaine flatterers, gaue increaſe and nouriſhment to that vice in them, who by

[c] *Cap. cler. de immunit. eccl. in 6.*

[d] *Clem. de immunit. eccl. vbi gloſs. id notat.*

their fond and fooliſh aſſertions, ſuch as now theſe Bozian fancies are, affirmed that all things were lawfull for the Pope, and that by Gods law all things were ſubiect to him. Whereby we may maruaile the leſſe, if many of them did ſo far forget their Biſhoplike and Apoſtolike modeſty, that through a deſire to enlarge their power, they encroched vpon other mens borders. Of whom *Gaguinus* a learned man and religious taxing by the way, *an authority ſo far ſpread, and vſurped*, as he calls it. [e] *Therefore ſo great ſaith he, is their height and ſtate, that making ſmall reckoning of Kings, they glory that they may doe all things. Neither hath any in my time come to the Popedome, who, hauing once got the place, hath not forthwith aduanced his nephewes to great wealth and honor.* And long before *Gaguinus S. Bernard:* [f] *Doth not in theſe daies ambition, more then deuotion weare the threſholds of the Apoſtles?* [f] vpon this occaſion *Platina.* [g] *In this manner dieth that Boniface, who endeuoured to ſtrike terror rather then religion into Emperors, Kings, Princes, Nations Peoples: who alſo laboured to giue Kingdomes and to take them away, to famiſh men and to reduce them at his owne pleaſure.* And the ſame *Gaguinus* in another place: [h] *Such an end of his life had Boniface the diſdainer of all men, who little remembring the precepts of Chriſt, indeuoured to take away, and to beſtow Kingdomes at his pleaſure: when as he knew well enough, that he ſtood in his place here in earth, whoſe kingdome was not of this world, nor of earthly matters, but of heauenly, who alſo had procured the Popedome, by ſubtelty and wicked practiſe, and kept Celeſtinus in priſon, while he liued,* (a moſt holy man) *of whom he receiued honor.*

[e] *Lib 10 hiſt. fran in vit. car. 7.*

[f] *Lib. 3. de conſ. ad eugenium.*

[g] *In vita Boniſ. viij.*

[h] *Lib. 7. hiſt. in vita Philip. Pul.*

Chap. IV.

NOw I do chiefly find two things, which ſeem to haue giuen vnto the Popes the opportunity to arrogate ſo great power to themſelues. The one is, the very great honor, which (as indeed there was reaſon,) was giuen to the chiefe Paſtor of ſoules, by Princes and chriſtian people,

people, and yet ought to be giuen to him: and the foreſtalled and ſetled opinion of the ſanctity of that ſea of the bleſſed Apoſtles *Peter* and *Paul*, which is conſpicuous and excelleth amongſt all men in all ſpirituall honor and authority: and in that reſpect hath been beyond all other moſt increaſed and honored with wealth and riches. By theſe meanes all men, were very eaſily perſwaded to beleeue, that neither the Pope in regard of his holineſſe would challenge to himſelfe any authority, which did not appertaine vnto him: and alſo, that it was not lawfull for a chriſtian man in any manner to diſobey the Popes commandements. Whereby it came to paſſe, that ſundry Popes, whoſe mindes were too much addicted to ambition and vaine glory, embouldned and hartned through the confidence of this ſo great reuerence and affection of men towards them, drew to themſelues this power ouer Kings, which was vtterly vnknowen to the firſt ſucceſſors of *Peter*. The which alſo paſſed the more currant by reaſon of the preoccupate and now engrafted conceipt of the people and ignorant folke, who being poſſeſſed of this opinion of holineſſe, did verily beleeue that the Pope could not erre, either in word or deed: and alſo, by the writings of certaine cleargy men catholikes, and Canoniſts, who either erring through ignorance of the truth, or wholly reſolued into flattery of their Prince the Pope, of whom they did depend, did heape and lay vpon his only perſon, all the power, which is in the vniuerſall world, with theſe allurements and inuitations the Popes, who of their owne accord ran with ſpeed enough toward honor and greatneſſe, were now much more enflamed as it were with certaine new firebrands of ambition and aſpiring thoughts. For all, how many ſoeuer held that ſea lawfully, gouerned the Church with an authority * equall to *Peter*: but not all of them burning with the zeale of *Peter*, gouerned it with equall diſpoſition to him. Nay I can not write it without griefe of heart it is certaine, that many crept into that place by violence and villany, others did breake into it,

* See the admonition to the reader.

and defiled the moſt holy Chaire with the filthineſſe of their liues and behauiour: others alſo, who were aduanced to the height of that dignitie, burned with an ambitious deſire of ruling, and out of their emulation and enuie againſt ſecular Kings and Princes, endeuoured by all deuiſe and cunning to enlarge the bounds of their gouernment, which in the beginning was meerely ſpirituall, with the encreaſe of temporall Iuriſdiction and authoritie. Which affectation, although at the firſt diuers ſuppoſed to be a grace and ornament to that great dignitie, which the Vicar of Chriſt in earth, and the ſucceſſor of bleſſed *Peter* doth hold, yet when ſome of them grew to that inſolencie, that they ſuppoſed it lawfull for them not onely to throw downe Kings from their Thrones, but alſo to giue away great and goodly kingdomes, for reward, nay for a pray, and to grant them to any that would ſeaze vpon them, then ſurely there was no reaſonable man, but hee greatly miſliked that vnreaſonable pride of minde, and either ſhed teares, or conceiued great anger at the ſame. Who was there at that time that did not either mourne inwardly, or gnaſh his teeth in his head, when that moſt proud Pope whom we mentioned before, preſumed ſo arrogantly to depriue that moſt mightie Monarch *Philip* the Faire of his kingdome, and to beſtow it together with the Empire vpon *Albert* Duke of Auſtria? And that for no other reaſon in the world, but becauſe the King had laid his Legate by the heeles, for threatning him in ſo ſaucie manner as he did, as though by that Act, the King of France, (whom a little before *Innocent* the 3 had ingeniouſly confeſſed [a] that he had no ſuperiour in temporall matters) he had reſigned his kingdome to the Pope as Client and Feudaire to him, for ſo he denoũceth to the King by the Archdeacon of Narbona, that *the kingdome of France, was eſcheted to the Church of Rome for his Contumacie, and violating of the law of Nations*, which ſpeach of his, what doth it elſe imply, but that this kingdome, in all mens iudgement the moſt free and flouriſhing kingdome of the world, and by

[a] *Cap. per venerabilem. qui fil. ſunt legit.*

example

example and precedent thereof, all other Christian kingdomes, are as Benefices and Feudes of the Church of Rome, and euen of the Pope himselfe? seeing they could not otherwise escheate to that Church for Contumacie & felonie, (as they tearme it,) vnlesse the direct temporall Dominion and fee of those kingdomes were in the same Church.

The other occasion of affecting so great a temporall Iurisdiction was presented by the sword of Excommunication, the principall bulwarke of the spirituall gouernment; which was so great terror to the world, that the people, durst neither neglect nor contemne the Popes curses; being armed & fortified howsoeuer by right or by wrong, with the thunderbolt of Excommunication: and this voice did vsually sound out of Pulpits, *That euery Excommunication, although it were vniust was to be feared*, and that it belonged only to the Pope to iudge whether it were iust or vniust. Besides that also, *that a man ought neither to eat, nor to haue any Commerce with Excommunicate persons* [h]. With which warnings and threatnings the Subiects of Princes excommunicate being for the most part terrified, did fall from their Obedience: and that which in Euils of this Nature was the worst of all, the Pope partly by threatning of the like Curses partly by perswasions and gifts, raised other Princes against a Prince that had been excommunicate by him. For this cause those Princes vpon whom this malice of the Popes did sit so hard, being wrapped in so many dangers on euery side, and exposed to such a hazard of their estate, made choise rather to pacifie an angry Pope with the submission of their Crowne and Scepter, (and to redeeme their vexations) then for their owne particular to embroyle all the world, and to set all a fire with sedition and armes. This short and compendious way had Popes, to exanimate and daunt Kings and Princes with feare, and almost to obtaine a victorie without striking stroke. Notwithstanding many Princes of good resolution withstood such attempts and proffers of Popes, and that

[h] *Can. sicut Can. excommunicatos. xi. q. 3.*

so stiffely, that the mischiefe which followed thereon turned rather to the Popes hinderance then the Prince. But in this place the Reader may please to be aduertised, that this Opinion which was so rife in euery mans mouth, *That euery Excommunication is to be feared*, ought to be vnderstood with this exception, *without that it manifestly appeare, that it is vniust*, for then it is neither to be regarded, nor feared, so as the partie excommunicate be free from contempt and presumption, for then it workes backwards, and hurts not him against whom it is cast, but him, from whom it is cast. Of which sort that Excommunication seemeth to be, which is charged vpon Subiects because they obey their King or Prince being excommunicate in those things which belong to temporall Iurisdiction, and doe not repugne the Commandements of God, as shall hereafter be declared in a more conuenient place. [1] Besides neither is that alwaies true, *That we ought not to haue commerce or eat meate with Excommunicate persons*, for in this case it is not true, where the danger is apparant, least by such a separation some great mischiefe arise in the Church as vsually it doth, when a Prince is excommunicate, if his Subiects forbeare to communicate with him, for there is neuer any Prince so much forlorne, who cannot finde friends and clients, by whose aide and armes hee may maintaine his cause, although it be neuer so vniust, with great hurt both to Church and common-weale, whereof both in the memorie of our Forefathers and in our owne age, there haue beene lamentable examples in Christian countries: where I say any such thing is feared, a separation of bodies is not necessarie, *But it is enough to be seuered from such in heart, to be distinguished by life and manners, for the preseruation of Peace and Vnitie, which is to bee preserued for the health of those, which are weake:* as S. *Austine* excellently teacheth [m], whereby it seemeth to follow, that the Pope doth very vnaduisedly, who forbids the Subiects communion and societie with their Prince so oft as no small both diuision and confusion hangeth ouer Church and Common-wealth,

[1] *Cap.* 21.

[m] *Lib.* 3 *contra Epist. Parm. c.* 2.

yea

yea that in such a Case the Subiects are not bound, to obey the Pope commanding the separation of their bodies. But of this matter more in his place. By these and the like, it appeareth, as I said, that the Popes in the East times of the Church vsurped to themselues this temporall power ouer Princes which none of all their Ancesters did euer acknowledge neither in the first nor in the middle times. And indeed *Gregorie* the 7. being exasperated partly with the publike offence of *Henry* the 4. the Emperour, and partly with a priuate iniurie, did first of all challenge to himselfe, that right and power to giue and take away kingdomes, affirming that Christ did giue to *Peter* and his successors, all the kingdomes of the world: in this verse, *Petra dedit Petro, Petrus diadema Rodolpho.*

But *Gregorie* raised nothing of that action but bloudy and raging Tragedies: and was hindred by force and armes that he could not effect his vnhappy designes. Now that the Church in her first times had no such power, nay did not so much as suppose that she had any such power, it is clearely prooued out of that Epistle of *Hosius*, which wee alleadged to *Constantius* infected with the Arrian heresie: and also vexing *Liberius* Bishop of Rome and other Orthodoxall Bishops with banishments and sundry other miseries, for in that place, that worthy man speakes, not in the person of a Christian man, nor of a simple Bishop, but in the name of the whole Ecclesiasticke order, and euen of the Pope himselfe: and hee saith either true or false: If true, it is euident, that the Church at that time conceiued that they had no temporall Iurisdiction ouer Kings and Christian Princes, no not for heresie, which is the most grieuous and pestilent crime that is. If false, wherefore? that he might flatter the Emperour? very like: how then could he thus say, *Loquebar de testimonijs tuis in conspectu Regum & non confundebar* *. Or because he knew not the truth of the matter, and the doctrine of the Church? Surely I thinke no man will ascribe that to such a man, who did not onely match the most of his age in learning

* Psal. 118.

and eloquence, but alſo by reaſon of his yeeres exceeded them all in experience, who hauing often been preſent at Councels and Aſſemblies of the holy Fathers, and heard their iudgements of the power and authoritie of the Church; could not be ignorant what was there determined touching wicked Princes, and the power of the Church ouer them. I adde alſo that, which paſſeth all the reſt, that this iudgement of this moſt noble Confeſſor to *Conſtantius* is commended by S. *Athanaſius*, but neuer miſliked by any of the holy Fathers either of that time, or of the ages following, that we ſhould iuſtly conceiue any preiudicate opinion of this iudgement.

CHAP. V.

I Haue alreadie ſufficiently diſcourſed of the follie of *Bozius*, and the Canoniſts who affirme that the dominion and Empire of the whole world is giuen to the Pope by the law of God. For I need not ſpend much paines in refuting the ſame, ſince it is long agoe hiſſed out by the common conſent of the Diuines. Now let vs paſſe ouer to the other opinion, which the Diuines, miſliking that of the Canoniſts haue ſubſtituted in the place of this reiected fancie, and let vs ſee whether it agree with the truth. Now he hath propounded it thus in the firſt Chap. *That the Pope hath temporall power indirectly, and after a certaine manner, that is, in reſpect of his ſpirituall monarchie: hath I ſay, the chiefe power euen temporall, to diſpoſe of the temporall eſtates of all Chriſtians.* Which opinion if it bee true, whatſoeuer is drawen from the Biſhops by the denial of direct power, the ſame is largely reſtored to him by this oblique and indirect way of ruling. But I am afraid it is not true, and that it is aſſaultable with the ſame engine wherewith that opinion of the Canoniſts was battered to the ground. For the Diuines, and aboue the reſt *Bellarmine* learnedly doth for this reaſon reprooue the Canoniſts opinion, which giues to the pope the dominion of the whole

whole world, and to Kings and ſecular Princes the execution onely, and that committed to them by the Pope, becauſe the Popes themſelues doe freely confeſſe (as is expreſſed in diuers of their letters) that temporall Empires and Kingdomes are giuen to princes of God: and whatſoeuer either power or execution Kings and Emperours haue, that they haue it of Chriſt. From whence the ſame *Bellarmine* concludes that argument very finely againſt the Canoniſts in a dilemma, or perplexed maner of reaſoning. [a] *Therefore I aske (quoth he,) either the Pope can take from Kings and Emperours this execution, as being himſelfe the ſupreme King and Emperour, or he cannot: if he can, therefore he is greater than Chriſt, if he can not, therefore hee hath not truely this Kingly power.*

[a] *Lib. 5. de Rom. Pont. cap. 3.*

And why may not wee aſwell vſe an argument of the ſame kinde againſt this other opinion of the Diuines? Kingdomes and Empires are giuen by God, as many holy Popes doe witneſſe: for which cauſe S. *Gregorie* in a certaine Epiſtle to *Mauricius* the Emperour [b], beginneth in theſe words: *Our moſt ſacred Lord, and appointed of God: and in another to* Conſtantia Auguſta: *Therefore your pietie,* (ſaith he) *whom with our Soueraigne Lord, Almightie God hath ordained to gouerne the world, let her by fauouring of Iuſtice returne her ſeruice to him, of whom ſhe receiued the right of ſo great authoritie.* What ſhould I vſe many words? The Scripture it ſelfe witneſſeth, that Kings and Emperours receiue power from God, whoſe Vice-gerents they are therein, as ſaith *Lyranus* vpon that of Wiſedome, 6. *Power is giuen to you from the Lord, and vertue from the Higheſt, who will inquire into your works.* Why then ſhould not a man vſe a dilemma out of *Bellarmine* againſt *Bellarmine*. The Pope can one way or other, that is, directly, or indirectly, take away kingdomes and empires, from Kings and Emperours, and giue them to others, or he can not: if he can, he is in ſome manner greater than God, becauſe he takes away that, which God hath giuen: For one that is leſſe or equall, cannot take away that, which is granted

[b] *Lib. 1. de indict. 13. epiſt. 31.*

by his greater or his equall: Nay nor the Deputie or Vicar of him who granted, without the expreſſe commandement of the Lord: leaſt any man ſhould lay in our way, that the Pope as Chriſts Vicar doth it. Whereas it can be no where found, that he hath receiued any warrant touching that matter, either expreſly, or by implication, as by thoſe things which follow will eaſily appeare. If hee can not, then it is falſe which they ſay, that he hath ſupreame power indirectly, to diſpoſe of all the Temporalties of Chriſtians, and to depoſe Kings and Emperours from their thrones, and to ſuffect others in their places. I would they would conſider how their owne argument doth wringe them, and not this onely, but alſo another of greater force, which we reported aboue out of the ſame booke and Chapter of *Bellarmine*; the which alſo in this place we will and that by good right fit to our purpoſe in this maner.

If it be true that the Pope hath temporall power indirectly to diſpoſe of the temporalties of all Chriſtians, he hath the ſame either by the law of God or of man. If by the law of God, *That ſhould appeare by the Scriptures, or ſurely by the tradition of the Apoſtles. Out of the Scriptures we haue nothing but that the keyes of the kingdome of heauen were giuen to the Pope, of the keies of the kingdome of earth there is no mention: as for tradition of Apoſtles, the aduerſaries produce none,* neither Canoniſts nor Diuines. If by mans law, let them bring foorth their law, that we may be all of the ſame opinion with them. But if they ſhall ſay, that they neede neither expreſſe word of God, nor tradition of Apoſtles for the confirmation of this power, ſince it appertaineth to the Pope onely indirectly and by a kinde of conſequence, as a certaine and inſeparable acceſſion, and appurtenance of that Spirituall power, wherewith the ſupreme Paſtor of ſoules is indued ouer all the ſheepe of the Chriſtian flocke: We alſo will require of them ſome teſtimonie of this acceſſion and coniunction, either out of Scriptures or traditions of Apoſtles: Wee doe require I

ſay,

ſay, that they teach vs either out of Scriptures or tradition of Apoſtles, that this is an acceſſion and conſequence neceſſarie and inſeparable to that Spirituall power which the Pope hath, and that it belongeth to the Popes office in ſome manner: that is indirectly, as they ſpeake, to diſpoſe of all temporall matters of Chriſtians: ſeeing it is verie vnlikely, if that belongs to his office, that ſo great an extent of power, and which there is nothing higher amongſt men hath beene omitted in ſo deepe ſilence in the Church ſo many ages, both by Chriſt our Sauiour, and alſo by the Apoſtles, and their ſucceſſors: for if each power may be ſeuered from other, the Spirituall from the Temporall, and contrarily, there will be ſome place for that opinion, which determines that that which is not permitted to be done directly, cannot be done indirectly: for ſo haue wiſe men defined, as oft as any thing is forbidden to bee done directly, that the ſame can neither bee done indirectly or by conſequence: vnleſſe that which is forbidden doe follow neceſſarily to another thing lawfully permitted, ſo as the thing permitted cannot proceed without the thing prohibited, and vnleſſe (as I may ſpeake with the Ciuilians) *The cauſe of both be ſo commixed, that it cannot be ſeuered* [a]. Whereby it is concluded that hee who is alone cannot alien any thing, cannot yeeld to a ſute moued vpon the ſame thing [b], for that by this meane he ſhould obliquely & indirectly alien. Therefore if the Pope as he is Pope hath no temporall power directly ouer Chriſtians which they do grant, it ſeemeth to be proued by the former ſentence of the law, that he can haue none not ſo much as indirectly. Therefore that they may perſwade men to their opinion, they ought to bring teſtimonie out of Scriptures or traditions of Apoſtles, or at leaſt make plaine that this temporall power whereof they ſpeake, is ſo ioined with the Spirituall, that by no meanes it can be pulled and diuided from it, I meane that the Spirituall cannot conſiſt without it. Which becauſe they could not performe, they haue followed nothing but vn-

[a] *L. 5 §. generaliter. D. de don. inter vir. & vxor.*

[b] *Panor. in cap. dudum. 54. de elect. & cap. cùm pridem. de pact.*

certaine opinions, and ſuch reaſons as ſeeme not ſufficiently to conclude, that which they aſſume, which we will examine in their order and place.

Chap. VI.

THe former opinion of the temporall power, which they ſay the Pope hath indirectly, is vehemently ſhaken euen by this, that neither practiſe nor example, nor any mention of ſuch a papall power hath been heard of the ſpace of a thouſand yeeres in the Church, when as in thoſe times many chriſtian Princes did abuſe their Kingdomes and Gouernments impiouſly, cruelly, peruerſly, and to the great preiudice and miſcheefe of the Church: whereof one of the two muſt needs follow, that either the Biſhops of thoſe times were wanting to their duties, or that the Biſhops of the times enſuing did and at this day doe gouerne the Church with greater power and command, becauſe theſe later haue openly challenged to themſelues this temporall power, and haue endeuoured to pull the ſame in and at their pleaſure ouer Kings and Princes: but the former haue not at any time acknowledged that any ſuch right belongeth to them: I am not ignorant, what anſwers haue been made by diuers to excuſe thoſe firſt Paſtors: but I know that they are ſuch, that if they be diligently examined they can not be allowed by the opinion of any indifferent iudge.

There came foorth a booke printed at Rome the yeere of our Lord 1588. publiſhed vnder a fained name of *Franciſcus Romulus*, with this title: *An anſwer to certaine heads of an Apologie which is falſly intituled Catholike, for the ſucceſſion of Henry of Nauar into the Kingdome of France.* The author of which booke, whome *Bellarmine* knowes and loues very well, labours to take away this moſt important obiection, by the change of the ſtate of the Church, and by the diuerſe reaſon and condition of times and perſons which oftentime brings in diuerſity of law [a]. For thus

[a] *Cap.* 18.

thus he ſaith. *And now where as the aduerſarie obiecteth in the fourth place, touching the cuſtome of our anceſtors, who endured many hereticall Princes, as Conſtantius and Valens, Arius, Anaſtaſius an Eutychian, Heraclius a Monothelite, and others beſides, it makes nothing to the matter. For the Church ought not raſhly and inconſiderately to abuſe her power. Moreouer it falleth out not very ſeldome, that the power of certaine Kings is ſo great, being alſo ioined with wickednesſe and cruelty, that the Eccleſiaſticall cenſure neither profiteth any thing to reſtraine them, and doth very much hurt to Catholike people, vpon whom theſe Princes prouoked do rage the more. For I pray you, what had it auailed the Church in times paſt if ſhe had aſſaied to excõmunicate & to depoſe either the Oſtrogoth Kings in Italy, or the Viſegothes in Spain, or the Vandales in Afrik, although ſhe might haue done it very iuſtly? and the very ſame ought to be vnderſtood of Conſtantius and Valens, and others aboue named, and indeed then the times were ſuch, as that the Biſhops ought rather to haue beene ready to ſuffer Martirdome, then to puniſh Princes. But when the Church perceiued, that now ſome place was opened to her power, either with the ſpirituall profit of the Princes themſelues, or at leaſt without the miſcheefe and hurt of the people, ſhe was not wanting to her ſelfe, as the examples alleadged before doe proue. For thus the Church iudged that Leo Iſaurus was to be depriued of halfe his Empire, and Henry the fourth of the whole, and Childerike of the Kingdome of France, and indeed afterward both Leo wanted part of his Empire, and Henry the whole, and Childerike his kingdome of France. Therefore the Church did not therefore tolerate thoſe ancient Emperors Conſtantius and Valens and the reſt, (as the aduerſary dreameth,) becauſe they ſucceeded lawfully into the Empire, for otherwiſe ſhe had alſo borne with Leo alſo and Henry, and Childerike, who ſucceeded no leſſe lawfully, but becauſe ſhe could not puniſh them without the hurt of the people, theſe ſhe might.* Thus he, in which words he yeeldeth a double reaſon of the diuerſity, wherefore the Church endured *Conſtantius, Iulianus, Valens, Valentinianus* the yonger, *Anaſtaſius Heraclius*, and other hereticall Princes, but did not

forbeare *Leo Isaurus, Henry IV. Childerike,* and the dangerous Princes of the ages ensuing: *One forsooth, because then the times were such as the Bishops ought to haue beene ready rather to suffer Martirdome, then to punish Princes.* The other because the Church or the Pope, *could not without the hurt of the people punish Constantius. Iulianus, Valens,* and the rest of that sort aboue mentioned, but as for *Leo, Henry, Childerike* and the others she could; therefore them she endured, these she endured not. But let vs see if both the reasons of this diuersity be not false, and grounded vpon mere and strange falshoods, and yet none hath assigned any better, nor as I thinke can assigne any, saue only that, which doth vtterly ouerthrow the cause of the aduersaries, which is that the Church did tolerate those former Emperors, and Princes, because as yet that blind ambition was not crept into her, by which the succeeding Popes caried away with greedinesse of glory, vsurped that temporall iurisdiction whereof we speake. Therefore that the Bishops of that time being contented with their spirituall iurisdiction, which they exercised with indifferency vpon all persons, did wholly forbeare the temporall power, which they did know that it belonged not vnto them: so recommending the cause of the Church to the iudgement of God, did with humility and patience expect the conuersion or confusion of wicked Princes. But I returne to the reasons giuen by this Author, that we may see, how faulty they are.

And indeed to deale plainly, his former reason or cause of diuersity seemeth to me very vnworthy and vnfit to be alleadged by any Catholike, much lesse by a Diuine, which I euen for this cause haue much a doe to read without teares. For what? are we fallen into those times where in Bishops ought rather to be souldiors, then Martyrs: or to defend the law of God & the Church rather by swords then by sermons? But he saith not so, may some say. What then? either he saith nothing, or all together some such thing. For his meaning is, that the difference of these and those former times, as touching the coertion of

Princes,

Princes, consisteth in this, that then the Bishops ought rather to haue been fit to vndergoe Martirdome, then to reduce Princes into order. Which being so, who can not easily perceiue by his proper iudgement, and naturall logike that either this reason stands not vpon *dissimilia*, that is termes of vnlikenesse, or that is to be placed in the other part, which we haue set downe. And yet, I dare boldly affirme, that there neuer time fell out since *Constantine* the great more opportune and more necessary for Bishops to offer themselues to Martirdome. The lion euery where gapeth for his pray, the wolfe stands watching at the sheepfolds; most mighty Kings and Princes, many Nations and people, buckle themselues and arme against the flocke of Christ, and doth this man thinke, that the time doth not require, that the Bishops should not expose themselues to Martirdome, and lay downe their liues for the sheepe? what when the Church flourished, and was spread, thorough the whole world, the Bishops ought to hope and looke for nothing but Martirdome: and now, when matters are come to this passe, that the Church is grieuously tossed and tumbled, and as it were crouded into a corner of Europe, may the Bishops bend their mindes without all feare of danger to punish Princes and not rather to suffer Martirdome? what, because in these daies, they maintaine great traines and retinues, and troopes of horse and foote, to defend themselues, their liues, and Persons, and by force and armes to deliuer the Church from the iniurie of so many Princes and people that spoile her? Or rather because now adaies, very few vndertake the Bishoprickes with that minde and condition that they should be encombred and vexed with those troubles either of minde or bodie, which good Pastors ought to suffer * *in Persecutions and Confession of the Faith*: but that they may passe their life with ease and pleasure: and that they may aduance and magnifie their owne house and bloud by the goods of the poore and Patrimonie of Christ? Or lastly, because that being hire-

lings and mercenarie Paſtors, they doe beleeue that it is very lawfull for them, when the Wolfe comes and teares the Flocke, to take their heeles, and to auoide Martirdome? I doe not bring forth theſe things to caſt iniurie or enuie vpon the Eccleſiaſticall order, which I euer reuerenced and honoured from a child. Neither doe I doubt but there are many who doe keepe moſt carefully and watchfully the flocke committed to them, being ready vpon all occaſions euen with their bodies to defend the ſheepe committed to their keeping, and with their bloud to ſeale the confeſſion of Chriſt. But I ſpeake all this in reproofe of the former anſwere, and with all to their ſhame, who now in euery place affect the dignities of the Church, without any purpoſe of life fit for the Church, but that they themſelues may liue brauely and gallantly, and that they may conſume that wealth, which the puritie of an Eccleſiaſticall life doth well deſerue, vpon vſes either vnlawfull, or ſurely not neceſſarie, very diſhoneſtly and to the great ſcandall of the Church. *O the times! O the manners of men!* The greateſt part of the Chriſtian common weale, within theſe hundred yeeres, or there abouts, is vtterly periſhed. Euen by this very meane that many Biſhops and Prieſts, being more forward to armes then to Martirdome, haue vnaduiſedly followed the meaning of the former anſwere: ſuppoſing forſooth that which was not ſo, that Hereſie might eaſily bee oppreſſed by armes, while themſelues in the meane time held their owne courſe of life, that is, cheriſhed their owne former pleaſure and ſlothfulneſſe. *Therefore they ſaw the Wolfe comming and fled away*, and many of them fled to the Wolues themſelues. *I ſpeake no ſecrets now*, Scotland and England are my witneſſes, and other Countries which are ſlipped into* hereſie, wherein although many reſiſted manfully, yet the greateſt part of the Church-men did not endure ſo much as the firſt aſſault, but preſently in ſhamefull manner put in practiſe their treaſon and defection, partly that they might enioy the fauour to liue freely which was both promiſed

* See the admonition to the Reader.

miſed and permitted vnto them by the Nouators, partly, leaſt that, they being depriued of all their preſent meanes, ſhould fall to beggerie: whereas, if like thoſe firſt Fathers in times paſt, they had bent themſelues to Martirdome, they had in the very infancie deſtroied that moſt horrible Monſter. It may bee, that the Author of that booke, wrote ſuch things of a good minde, and without any fraud: but ſurely it cannot bee, that as the ſtate of the Church affaires doth now ſtand, they ſhould be thought to be of any weight or moment. For when as all the world almoſt, was bound to the catholike Church, *velut nexu Mancipioque*, as the Ciuilians ſay, that is, by the ſtraiteſt bands of ſeruice and dutie, euen then ſaith he were thoſe times ſuch, as wherein the Biſhops ought to haue beene more ready to haue ſuffered Martirdome, then to haue enforced Princes to order: and now, when partly Infidels, partly Heretikes haue ſpread ouer all Aſia, Afrike, Europe, one or two kingdomes onely excepted, and that the Church is reduced almoſt to ſo great ſtraites as euer it was, he is not of the minde that the Biſhops are required by the ſame neceſſitie to performe this dutie. But ſurely this is too much either negligence in ſearching, or indulgence in iudging and aduiſing; neither ought a learned man and a Diuine as the Author ſeemeth to be, to open to the Prelates of the Church, who are as it were by a certaine ſtorme caried into the ſame licence of liuing, I ſay to open them ſo eaſie a way to forſake their dutie, that they may ſuppoſe, that they ought not to be ſo ready in theſe daies to Martirdome, as to raiſe warre againſt euill Princes, who it is certaine that without warres, they can neuer be reduced into order, and depriued of their kingdomes. How much righter were they (who whether they were the firſt of the Ieſuites, or of ſome other Order, for I haue it onely by report) preſented themſelues to the Cardinals at Rome, and euen as they paſſed in ſtate according to the manner, did very ſharpely reprooue their effeminateneſſe, their ryot, & their careleſneſſe, becauſe that the moſt turbulent tempeſt

of the Lutherane hereſie being riſen a little before, that time taught the Prelates of the Church an other manner of life, and required other faſhions at their hands. Therefore by theſe it is plaine, that the Author of the anſwere is much deceiued, in laying the reaſon of the difference in the diſſimilitude of thoſe ancient and theſe times, as far as concernes the dutie, ſtate and condition of the Biſhops and Prelates of the Church.

CHAP. VII.

THe other reaſon which he brings in, is nothing better. That the Church forſooth did not therefore beare with *Conſtantius Valens* and others, for that they lawfully ſucceeded in the Empire, no more than they did with *Leo*, *Henrie*, and *Childerike*, which no leſſe lawfully ſucceed, *but becauſe ſhe could not without hurt of the people correct them, theſe ſhe could.* For this is moſt falſe, and I woonder that *Bellarmine* followed this reaſon elſewhere[a]. I ſay, it is moſt falſe, that the Church could not coerce and chaſtiſe them as eaſily as theſe, I will not ſay more eaſily, and without the hurt of the people, whether ſhe would haue attempted the matter by armes, or vſe ſome policie, and the meane of ſome deuout perſon, for at this time the whole world was Chriſtian, vnder *Conſtantius*, (as is euident by a letter of *Conſtantine* the Great, to the Church recorded by *Euſebius* and *Nicephorus*,) and the greateſt part of it orthodoxe: ſo as they wanted not ſtrength to oppreſſe the Emperour, if they had held it lawfull or godly to take vp armes and contend againſt a lawfull Prince. And truely it is credible that God would honour with a victorie both eaſily and not very coſtly for bloud, his owne ſouldiers who ſhould vndertake ſuch a warre, not of hatred or ambition, but of a meere zeale to preſerue the Church from ruine. Moreouer there was a great multitude of monkes in Egypt and Lybia, and an innumerable companie of other godly men of all ſorts ſwarmed

[a] *Lib. 5. de Rom. Pont. ca. 7.*

med all ouer Asia and Europe: amongst whom no doubt there were many of no lesse zeale, then that wretch who murdered *Henry* the 3 king of France, but furnished with more knowledge and grace, whereby they prescribed a meane to inconsiderate, headlong and rash zeale. These men if it had beene lawfull, might easily haue dispatched the Emperour, without tumult of warre, and noyse of armes, and if so be the Church had had any power ouer him, they might haue put the same in execution, without any harme to the people.

What should I speake of *Iulianus* the successor of *Constantius?* Could not the Church thinke you chasten him without any harme at all to the people? when as being a shamefull Apostate, and such a one as neuer was found amongst Christians, he had his whole armie which he cõmanded consisting of Christians, for euen after his death, when *Iouinianus* being by generall consent chosen Emperor, had proclaimed that himselfe was a Christian, & therfore that he would not cõmand an army of Infidels[4], the souldiers answered, *and generally cried out, Neuer feare noble Emperour, neither doe you refuse our gouernment, as vnworthie: for you are like to be a Commander of Christians, who are brought vp in the discipline of pietie, for we are Christians: and those which be of the elder sort learned* Constantinus *his instruction, & the younger sort of* Constantius. *Neither did he that died last rule so long time, as could serue the turne to settle the poison in those few that had been circumuented & abused by him.* I could wish that both the author of that booke, & the Reader of this, would consider diligently. Whether the Church seconded with so great power, had not been able with ease to take that Emperour away, without any harme of the people: especially seeing the Emperors were at that time created by the souldiers alone, who amongst those first times of Religion, and hope of Martyrdome, esteemed nothing more honorable, then to beleeue and obey their Prelates: deliuering to them the law and will of God. Now if they had learned in those Schooles of the

[4] *Ruffin. lib. 2. hist eccles. ca. 1. Socra. Schol. lib. 3. cap. 22. Theodoret. lib. 4. cap. 1.*

moſt holy Fathers, that it was lawfull for the Church to depriue a wicked Prince of his gouernment, and that it is lawfull for ſuch ſubiects to take away and murder ſuch a Ruler, either by open force, or ſecret practiſe, there was nothing more eaſie for them then to depriue *Iulian* of his empire, or take away his life, and without any tumult, or danger, or publike loſſe to ſuffect an other at their pleaſure in his place. For now the right of nominating the Emperour, was by long cuſtome ſuppoſed to belong to the armie, as alſo in very deed, *Iouinianus* firſt, and after *Valentinianus*, both confeſſors of Chriſt, after the death of of *Iulianus*, were both aduanced to the Empire by the ſame armie. Nay what will you ſay, that although the whole armie would not haue conſpired againſt the enemy of Chriſt: yet thoſe ſouldiers alone whom we mentioned out of *Nazianzen* in our books *De Regno**, together with *Iouinianus* the Confeſſor, would with little a doe haue deſtroied *Iulianus*. Whom if you conſider their valour and reſolution, the vſe and experience of armes: if opportunitie, the eaſie acceſſe of ſouldiers to their Commanders in thoſe times, if diſpoſition, the feruent heat of their mindes burning with deſire of Martyrdome, and vndertaking any thing for the defence of the faith, would haue made them much more ready and eager to deliuer the Church by ſome notorious action, from the treacherie and tyrannie of ſuch a villanous perſon, much more I ſay, then any precipitate raſhneſſe could ſet on a brainſicke and furious monke. What may we thinke? that the Chriſtians of that time did heare the famous trumpets of the Goſpel, *Athanaſius*, *Baſilius*, both the *Gregories*, *Cyrillus*, *Epibanius*, *Hilarius*, *Hoſius*, and many other Biſhops excelling in vertue and learning, who by reaſon of their learning could not be ignorant what intereſt the Church had ouer Princes, and if they had knowen and vnderſtood the ſame, by reaſon of their great ſanctitie of life, and conſtancie in aduerſitie, would not haue held their peace, and diſſembled the ſame, in ſo importunate a buſineſſe to the Chriſtian

* *Lib. 4. cap. 5.*

Christian common-weale. What may wee thinke that those diuine Prelates taught the people, that there was no remedie against that Apostata, but in patience and teares? for so saith *Nazianzenus*. [1] *These things* (saith he) *did Iulianus intend*, (he speaketh of those things which the Apostata meditated against the Church) *as his minions and witnesses of his counsels did publish, notwithstanding he was restrained by the mercy of God, and the teares of the Christians, who were in great abundance, and by many powred out, when as they had this onely remedie against the Persecutors.* I beseech you Reader, that you would obserue & consider *Nazianzenus* well in this place. He affirmeth that the Christians, that is, the Church had no remedie besides teares, against the persecution of *Iulianus*, when as notwithstanding it is certaine, that they had at their seruice the whole armie of *Iulianus*. Therefore surely this Pope, who for his singular excellencie, was called the Diuine, did not thinke that the Church hath any power ouer a most vngodly Emperour; to raise the Christian army against him: otherwise it were false, that Christians or the Church had no other remedie but teares against a persecutor: for they had an armie, which being commanded by the Church, would easily for the cause of God haue fallen away from *Iulianus*.

[1] *Orat. 1. in Iulian.*

Now that which we said of *Constantius* and *Iulianus*, that without great difficultie they might haue beene brought into order by the Church, and depriued of Scepters and life, without any harme to the people: the same is much more apparent in *Valens* and *Valentinianus* the yoonger. For the chiefe Commanders and Captaines of *Valens* his armie were good Catholikes, by whom hee managed all his warres, being himselfe an idle and slothfull Prince: and those were *Terentius*, *Traianus*, *Arintheus*, *Victor* and others, who constantly professed the Catholike faith, and boldly vpbraided the Emperour to his face with his heresie, and impietie against God: but in so religious a libertie they held their hands, neither did their heate and anger proceed beyond the bounds of admonition: because they

knew it was their dutie onely to tell the Prince his faultes, but not to punish the same. Therefore in all matters which belonged to temporall gouernment, they yeelded obedience to this heretike, whom they might easily haue remoued, and to the great good of the afflicted Church, haue reduced backe againe the whole Monarchie to *Valentinianus* a Catholike Prince, from whom it came. Could not these Commanders of his forces conclude a league amongst themselues, against their Prince, being an heretike, if it had beene lawfull for them so to doe? Was it not more profitable for the Church that an heretike Emperour should not gouerne Catholikes? Or did the Church all that time want learned and watchfull Pastors, and by that meanes either neglected or did not vnderstand her temporall interest? for what, which onely remaines to bee said, no age did euer beare Christians more obedience and dutifull to their Prelates, then that did: that if so bee the Church had wanted not the power to sway Princes in temporall matters, but the execution onely of that power, the people and armie would not haue beene long before they had deliuered her from the tyranny of *Constantius*, *Iulianus*, and *Valens*. To which, the worthy testimonie of S. *Augustine*, giues faith, registred among the Canōs, [h] *Iulianus* (saith he) *was an Infidel Emperour: Was he not an Apostata, vniust, an Idolater, Christian souldiers serued an Infidell Emperour: when they came to the cause of Christ, they acknowledged none but him that was in heauen: When he would haue them to worship Idols, to sacrifice, they preferred God before him. But when he said, draw foorth the Companies, get you against that countrey, presently they obeied. For they distinguished their eternall from the temporall Lord: And yet for their eternall Lord his sake, they were subiect euen to a temporall Lord.*

[h] In Psal. 124.

Who doth not see in this place, that it was the easiest matter in the world for the Church euery maner of way to chastise *Iulianus*, if she had had any temporall power ouer him? For then the cause of Christ had come in question, in which case the souldiers would preferre Christ before

before the Emperour, that is, the eternall Lord, before the temporall Lord, for the Churches cauſe is the cauſe of Chriſt. Therefore either the Biſhops of Rome, or the Popes, and euen the whole Church, did then beleeue for certaine that they had no temporall iuriſdiction in any ſort ouer ſecular Princes, or ſurely they were wanting to their office, nor did they ſo carefully prouide for the flock committed to their charge, as now after many ages our laſt Popes haue done, who maintaine very earneſtly that it belongeth to a part of their Paſtorall office, to chaſtiſe all Princes and Monarches, not onely for hereſie or ſchiſme, but alſo for other cauſes, and that with temporall punihment, and euen to ſpoile them of their Empires and Kingdomes, if it ſhall pleaſe them. Whereas otherwiſe neither they are to be compared with thoſe firſt Biſhops for holineſſe of life and learning, and the Chriſtian people in theſe times is not ſo obedient, as in thoſe firſt times they were. Wherefore if we loue the truth, we muſt confeſſe, that no man can either accuſe or excuſe the Biſhops of both times in this point, without preuarication or calumniation, the praiſe of each will turne to the diſpraiſe of the other. But let vs goe forward.

Chap. VIII.

Valentinian the yonger, of all who to this day gouerned not onely an Empire, but Kingdome or any Principalitie might moſt eaſily haue beene coerced and bridled by the Church, for he might haue beene not onely thruſt out of his Empire at the commandement of the chiefe Biſhop, that is, the Biſhop of Rome, but euen at the becke and pleaſure of a poore Biſhop of Millane, *Ambroſe*, be forſaken of his owne ſouldiers and guard, and be reduced to the ſtate of a priuate man. *Before day*, ſaith Ambroſe[a], *as ſoone as I ſet my foote out of doores, the Palace was beſet round about with ſouldiers: and it is reported that word was ſent the Emperour by the ſouldiers, that if he would come*

[a] *Ad ſororem ſuam Marcellinam epiſt. 33. n. 5.*

come forth he should haue leaue, but yet that they would be ready to attend him, if they saw that he did agree with the Catholikes: otherwise that they would passe ouer to the companie that Ambrose gathered. Not one of the Arrians durst come forth, because neither any of them were Citizens, a few of them of the Princes house, and many of them Gothes, who as before they had a Carte for their house, so now a Carte is their Church. And after in the same Epistle speaking of himselfe. *I am called a Tyrant, quoth he, yea and more then a Tyrant, for when his friends intreated the Emperour, that hee would come out to the Church, and told him withall, that they did it at the request of his souldiers, he answered: If Ambrose command you I will deliuer my selfe to be bound.* What say the Aduersaries to this? is not this one place enough to stop all mens mouthes? I omit that *Maximus* comes marching into Italie with a great armie gathered out of the parts of Britanie and France, to prouide, as hee pretended, that Catholike religion should receiue no further harme: and that the Churches now corrupted by *Valentinianus* might be restored to their former estate; the which also he signified by letters to *Valentinianus* himselfe, which notwithstanding was not his onely end: but (that which in our age hath beene practised by diuers) with this colour of Pietie he couered his burning desire of raigning, for he was determined hauing now killed *Gratianus* at Lyons, to inuade *Valentinianus* his Empire. Therefore *Valentinianus* terrified with his comming fled out of Italie into Illyrium to *Theodosius* Emperour of the East. A matter worth the noting; An Heretike being chased by a Catholike flies for succour to a Catholike; of whom he is both rebuked for his heresie, and for the reuerence of his Maiestie courteously receiued, and restored to his kingdome. And because the Church did not commend rebellion for Religion sake against a lawfull Prince, *Maximus* was called neither Reformer of the Empire, nor Restorer of the Church, but a Rebell and a Tyrant [b]. Seeing these things stand thus, I would now wish the Aduersaries that they

[b] Sozomen. lib. 7. ca. 13. Niceph. li. 12. ca. 20.

they would forbeare to abuſe vs with their deuiſe and inuention, or at leaſt to tell vs, whence they haue it. Haue they read any where in any good Author, that the Chriſtians did then ſo much diſtruſt their ſtrength and power, as that they durſt not ſo much as attempt that, which if they had reſolutely vndertaken, they had eaſily effected? or that they made a proffer at the leaſt, but when they had tryed the fortune of the warre, and all other humane meanes, at laſt yeelded and lay downe vnder theſe wicked Princes? Or were they ſo very deſtitute of learned Preachers and Trumpets of the Goſpell, that they did not vnderſtand, what power the Biſhop or People had ouer a peruerſe and hereticall Prince? What, did the heate of religion and the zeale of the houſe of God faile them? Let the Aduerſaries vnfould the memorie of all Records, and turne ouer and peruſe as long as they will writings Eccleſiaſticall and prophane, beleeue me they ſhall neuer finde that the Church in thoſe times (wherein it was much more powerfull than now it is) did euer endeuour any thing to the miſchiefe of Princes, although they were wicked, or euer went about to diſanull their gouernment, as hath beene plainly and plentifully prooued by vs in our bookes *De Regno*[a].

But cleane contrary by theſe things which we read in the writings of the holy fathers, of the power of ſecular Princes, it is moſt certaine that all in that age did thinke that no temporall power did in any manner, nor for any cauſe appertaine either to the Biſhop of Rome, or cheefe Biſhop, or to the whole Church, but that for temporall puniſhments, they were to be left to the iudgement of God alone. And this as it ſeemeth was the cauſe, why thoſe fathers did ſo ſeldome and that by the way make any mention of the liberty and impunity of Princes: becauſe indeed in thoſe times there was no controuerſie about it, but one iudgement of all men, which euen from the preaching of the Apoſtles they receiued in a manner by hand: that a Prince in temporalities hath God only his iudge, al-

[a] *Lib 3 ca 5. & lib. 4. ca 5.*

though in ſpirituall matters he be ſubiect to the iudgement of the Church.

For the firſt witneſſe in this caſe I produce *Tertullian* who ſpeaking of Emperours, [a] *They thinke, ſaith he, that it is God alone, in whoſe only power they are, from whom they are ſecond, after whom they are firſt, before all Gods, and aboue all men, and* [c] *in another place: we honor the Emperor ſo as is both lawfull for vs, and expedient for him, as a man, ſecond from God, and haue obtained, what ſo euer he is, from God, leſſe then God only, this he deſires himſelfe: ſo is he greater then all men, while he is leſſe then the true God alone.* Thus much he profeſſeth not in his particular, but in the generall perſon of all chriſtians, as the certaine and vndoubted doctrine of the whole Church. Neither let any thinke to elude this argument, becauſe the Emperors at that time were without the Church, and therefore not ſubiect to the Church. For the law of Chriſt depriues no man of his right, (which the aduerſaries themſelues confeſſe,) and therefore, as we ſhewed before, Kings and Emperors by comming to the Church looſe nothing of their temporall intereſt [f].

[a] *In Apol. aduerſ. gent.*

[c] *ad Scapul. in Proſ. Carthag.*

[f] *Cap. 3.*

In the ſecond place ſhall *S. Ambroſe* come foorth, who writing of *Dauid*, that heaped murder vpon adultery [g], *He was a King*, ſaith he, *he was bound by no lawes, becauſe Kings are free from the bands of offences. For they are not called to puniſhment by any lawes, being exempte by the power of their gouernment.*

[g] *In libr. qui inſcrib. apolog. Dauid.*

Thirdly B. *Gregorie* of *Towers*, [h] who ſpeakes to *Childerike* King of France, vexing the Prieſts of God opprobriouſly and handling them iniuriouſly, in theſe words: *If any of vs, ô King, would tranſgreſſe the limits of iuſtice, he may be puniſhed by you, but if you ſhall exceed who ſhall puniſh you? for we ſpeake to you, but if you will, you heare, and if you will not, who ſhall condemne you but he, who hath pronounced that he is iuſtice it ſelfe.*

[h] *Lib. 5 hiſt. cap 7. Armen. lib. 3. cap. 26.*

Fourthly *S. Gregorie* the Great, who was almoſt of an age with *Gregory* of *Towers*, who being Pope himſelfe, confeſſed that he was the ſeruant and ſubiect of the Emperor, and

and with great ciuility and humility acknowledged that all power was giuen the Emperor from heauen ouer all men, as we ſhewed a little before [i]. [i] Cap. 3.

Fiftly, the worthy Prelate *Otto* Biſhop of *Friſingen* [k]: *Only Kings, ſaith he, as being ſet ouer the lawes, are reſerued to the examination of God, they are not reſtrained by the lawes of man. From whence was that of his who was both King and Prophet, againſt thee only haue I ſinned.* And afterward. *For where as according to the Apoſtle, it is a fearefull thing for euery man to fall into the hands of the liuing God: yet for Kings, who haue none aboue them beſides him to feare, it will be ſo much the more fearefull, that they may offend more freely then others.* [k] In Ep. ad Fred. Oenol arb.

I can call in more, and that very many to teſtifie the truth of this matter, but what needs any more? *In the mouth of two or three witneſſes, let euery word ſtand* [l]. If the aſſertors of the contrary opinion can bring forth ſo many teſtimonies of ancient fathers, or indeed but any one, wherein it is expreſly written, that the Church or the ſupreme head thereof, the Biſhop, hath temporall power ouer ſecular Kings and Princes, and that he may coerce and chaſtiſe them by temporall puniſhments any way either directly or indirectly, or inflict any penalty either to the whole Kingdome or any part of it: I ſhall be content, that the whole controuerſie ſhall be iudged on their ſide without any appeale from thence. For indeed I deſire nothing ſo much, as that a certaine meane might be found, by which the iudgement of the contrary ſide might be clearely confirmed. But while I expect that in vaine, in the meane time the truth caries me away with her, conquered and bound into the contrary part. [l] Matth. 18.

Therefore I demand this now of the aduerſaries: whether it be likely, that thoſe ancient and holy fathers, who haue written of the great power and immunity of Kings and Emperors, were ſo negligent, that of very careleſneſſe they did not put in mind the Princes of their time of this temporall power of the Pope, or that they left not this remembrance, if they made any, conſigned vnder their hands

hands in writing. To the end that Princes ſhould feare not only the ſecret iudgements of God, but alſo the temporall iuriſdiction of the Church and Pope, by which they might be throwen downe from their ſeates, ſo oft as the Church or the Pope, who is the head thereof ſhall thinke it fit in regard of religion and the common weale? certainly to be ſilent, and to haue concealed ſo great a matter, if it was true, was to abuſe Kings and Princes, whom they had perſwaded both by writings, and preachings, that they could be iudged by God only in temporall matters. Or ſhall we imagine, that they were ſo vnskilfull and ignorant of the authority of the Church, that they knew not that it was indued with ſuch a power? Or in a word, that they were ſo feareſull, and narrow minded, that they durſt not tell the Princes that which they knew? If none of theſe things can be imputed and charged on thoſe ancient fathers, why I pray you ſhould we now embrace any new power, which is grounded vpon no certaine either authority or reaſon, but in theſe laſt ages deuiſed, and thruſt vpon the people, by certaine fellowes, who are ſeruily and baſely addicted to the Pope, and ſo lay a new and ſtrange yoke vpon Princes?

CHAP. IX.

I Haue already plainly ſhewed that the laſt part of the ſecond reaſon of the Aduerſaries is moſt falſe: which is, *That the Church therefore tolerated Conſtantius, Iulianus, Valens, and other heretike Princes, becauſe ſhe could not chaſtiſe them without the hurt of the people.* Now will I prooue, that the latter part is euen as falſe, to wit, that *Henrie* the IV. Emperour, and other Princes ouer whom the later Popes haue arrogated to themſelues temporall power, might be coerced and chaſtiſed by the Church without hurt of the people. Which before that I take in hand, I doe hartely requeſt not onely the friendly Reader, but euen the Aduerſaries themſelues, that the queſtion being diſcuſſed

discussed, they would weigh with themselues, and iudge truly and sincerely, whether it were not more easie for the Church to punish those first Princes by the aforesaid waies and meanes, then to reduce into order the said *Henry* the IV, by *Rodolphus* the Sweuian? or *Philip* the Faire by *Albert* of Austria? Of whom the one scorned and represted the arrogancie of the Pope: the other, after diuers battles fought with diuers successe, at the length in the last battle defeated his Competitor and Enemie whom the Pope had set vpon him [b]: and as for the Pope, of whom he was excommunicate, he banished him out of Rome, and plagued him with perpetuall banishment.

[b] *Phil Pulcher. authores Plati. Gaguin. & alij.*

With how great hurt and spoile to the people the Pope laboured to execute that temporall power vpon *Henry* the XII. *Otto Frisingen* witnesseth, (whom *Bellarmine* worthily calleth most Noble both for bloud, and for learning and for integritie of life [c]) who writes of the Excommunication and deposition of the said *Henrie* done by *Gregorie* the VII. in this manner [d]. *I read and read againe the actes of the Romane Kings and Emperors, and finde no where, that before this man any of them was excommunicate or deprined of his Kingdome by the Bishop of Rome: vnlesse any man thinke it is to be accompted for an Excommunication that Philip was for a small time placed amongst the Penitentiaries by the Bishop of Rome, and that Theodosius was sequestred or suspended from entring into the Church by blessed Ambrose for his bloudie murder.* In which place it is to be obserued, that *Otto* doth plainly professe, that he findes in former ages no example of priuation of a Kingdome, although hee propounded these two instances touching Excommunication; if not true, at least hauing a shew of true ones. And afterward within a few lines, he writeth thus [e]: *But what great mischiefes, how many warres, and hazardes of warres followed thereof: how oft miserable Rome was besieged, taken, spoiled, because Pope was set vp againe Pope, and King aboue King, it is a paine to remember. To be short, the rage of this storme did so hurry and wrap within it so many mischiefes, so ma-*

[c] *Marian Scotus in Chronico. anno 1080.*

[d] *Lib. 1. cap. 4. de transl. Imp. & li. 4. de Roman. Pont. ca. 13.*

[e] *Lib. 6. Chron. ca. 35.*

ny schismes, so many dangers both of soules and bodies, that the same euen of it selfe by reason both of the crueltie of the persecution, and the continuance thereof were sufficient to proue the vnhappinesse of mans miserie. Vpon which occasion that time is by an Ecclesiasticall writer compared to the thicke darknesse of Egypt. For the foresaid Bishop Gregory *is banished the citie by the King, and* Gibert *Bishop of Rauenna is thrust into his place. Further* Gregorie *remaining at Salernum, the time of his death approching, is reported to haue said: I haue loued iustice, and hated iniquitie: therefore I die in banishment. Therefore because the kingdome being cut off by the Church, was grieuously afflicted in her Prince, the Church also bereaued of so great a Pastor, who exceeded all the Priests and Bishops of Rome in zeale and authoritie, conceaued no small griefe.*

Call you this to chastise a Prince without hurt to the people? They that write that the Bishop of Rome, whom they meane in the name of the Church did not tolerate this Emperour, because hee could chastise him without hurt to the people, it must needs be that either they haue not read this author, or that they haue no care of their credite, who ensnare themselues in so manifest an vntruth. If they knew not this before, let them learne now at the last out of this graue writer, that that is false which they ignorantly giue out for true: and I wish them to consider, and iudge vnpartially, if it had not been better for that *Gregorie* the Pope, should haue suffered the wils & desperate maners of *Henry* like to *Constantius*, *Iulianus*, *Valens*, and other Emperours, who vexed the Church, and with teares and praiers to intret the goodnes of God either for his recouerie or destruction, rather than by one insolent and strange act, and that very vnnecessary to stir vp so many schismes and murders, so many sackings of people and Cities, so many disgraces shamefull against the Sea Apostolike, so many warres against the Popes, and other furious Tragedies with the destruction of all the people, and to nourish and continue these being stirred vp, to the exceeding mischiefe of the Church. It may be that *Gregorie* did it of a

good

good minde, (let *God* iudge of the intention) but it cannot be that he did it rightly, wisely, and according to dutie, nor but that he erred very wide, according to the manner and counsell of a man, when he assumed that to himselfe, which in truth was not his: that is to say, the office of deposing an Emperour, and the power to substitute an other in his place, as though the fee of that humane kingdome had belonged to him, which that verse doth sufficiently declare, which is reported by *Otto*, and aboue is transcribed by vs.

Petra dedit Petro, Petrus diadema Rodolpho.

Now it is certaine, that it is not alwaies well done and according to the will of God, which is done euen of men, otherwise very good, thorough heat of holinesse, and a good zeale. *Moses*, while he killed the Egiptian, with a zeale to defend the Hebrew, sinned. *Oza*, thorough a zeale to vphold the Arke of the Lord swarue, and lying a tone side, touched it, and died. *Peter* of a zeale to defend his Lord and Master, cut of *Malchus* his eare, and was rebuked for it. Hence *S. Ambrose* to *Theodosius*[t]. *I know that you are godly, mercifull, gentle, and peaceable, louing faith and the feare of the Lord: but for the most part something or other deceiues vs, some haue the zeale of God, but not according to knowledge*[s]. Inconsiderate zeale often inciteth to mischiefe.

[t] Lib. 5. epist. 29.

[s] Rom. 10.

Therforein my opinion, there was a great fault in Pope *Gregory* about this businesse, because he did not obserue, that it belonged to the dutie of the cheefe Pastor, rather to let passe one mans wickednesse vnpunished, then thorough a desire to correct the same, to wrap the innocent and harmelesse multitude in danger. And therefore he ought not to haue excommunicate that Emperor, whose wickednesse so great a number of men had conspired to maintaine, that they could not be separated without a schisme, a renting, nay not without the dissolution of the whole Church. The great light of the Church *S. Austine* aduised the same many ages agoe, both holily and wisely, and prooued the same clearely out of the writings of the

[h] Apoſtle *Paul*, whoſe iudgement was ſo well liked by the Church, that ſhe recorded it amongſt the Canons, [i] and therefore worthy that I ſhould tranſcribe it into this place, and to be written not with inke, but with gold, nor in paper, that will quickly weare, but in flint and adamant, or if there be any thing more durable and laſting then they. The chaſtiſement, ſaith he, *of many can not be wholſome, but when he is chaſtiſed, that hath not a multitude to partake with him. But when the ſame diſeaſe hath poſſeſſed many, there is nothing els for good men to doe, but to greeue and mourne, that they may be worthy to eſcape with ſafety from their deſtruction, by that ſigne which was reuealed to holy* [k] *Ezechiell. Leaſt when they would gather the tares, they root vp the wheat alſo: nor by their diligence purge the Lords corne, but they themſelues thorough their negligence be numbred and reckned amongſt the refuſe, which ſhould be purged away. And therefore the ſame Apoſtle, when he had now found out many who were corrupted with riot, and polluted with fornication, writing to the ſame Cerinthians in his ſecond Epiſtle, did not againe preſcribe, that they ſhould not eat with ſuch: for they were many. Neither could it be ſaid of them* [l]. *If any brother be called a fornicator, or a worſhipper of idolls, or couetous or any ſuch like, that they ſhould not ſo much as eat with ſuch, but he ſaith* [m], *leaſt when I come againe to you, God doe humble me, and I lament many of them who haue ſinned before, and haue not repented, for the vncleanneſſe, wantonneſſe and fornication, which they haue committed. By this mourning of his, threatning that they are rather to be puniſhed with a ſcourge from God, then by that caſtigation, that others may forbeare their company.* And a litle after, *in deed if the contagion of ſinning haue taken hould of a multitude, the ſeuere mercy of the diuine diſcipline is neceſſary* [n], *for aduiſes of ſeparation,* (that is of Excommunication) *are both vaine, and hurtfull, yea and ſacrilegious: becauſe they proone impious and proud, and doe more trouble the weake ones, that be good, then correct the ſtout ones, that be wicked.*

[h] *Lib. 3. cap. 1. contra epiſt. parmeniani.*
[i] *Can non pot. 23. q. 4.*
[k] *Ezech. 9.*
[l] *1. Cor. 5.*
[m] *1. Cor. 12.*
[n] *Id eſt totum diuino iudicio & vitium relinquendum eſt.*

Seeing theſe things ſtand thus, there is none as I ſuppoſe, by comparing *S. Auſtines* rule, which alſo is the rule of

of the Church, with the practise of *Gregorie* against *Henrie*, but will euidently see, that the Pope erred greatly, that would excommunicate an Emperour, whose party a huge multitude both of the Cleargie and laity did follow, with manifest danger of a greeuous schisme, and much more, when as by an odious sentence he went about to depriue him of the right of his Empire, (to which the Bishop himselfe had no title in the world: that it is no maruell if as *Sigebert* writeth, the said *Gregorie* a little before his death repented him of all those things, which he had done against the Emperor.

I am willing to set downe the place of *Sigebert*, because it conteineth not his owne opinion, which is suspected to the aduersaries, because he followed *Henricus* his partie, but the historicall narration of an other author °.

° *In Chronograph. ann. 1085.*

Pope Hildebrand, saith he, *who is also called Gregorie the 7. dieth in banishment at Salernum. Of him I find it thus written: We would haue you know who are carefull of the Ecclesiasticall charge, that the Lord Apostolike Hildebrand, who also is Gregorie, lying now at the point of death, called to him one of twelue Cardinalls, whom he cheefly loued aboue the rest, and confessed, to God, and S. Peter, and to the whole Church, that he had greatly offended in the pastorall charge, which was committed to him to gouerne, and by the instigation of the Deuill, had raised anger and hatred against mankind. Then at last he sent the foresaid confessor to the Emperor, and to the whole Church, to wish all grace and indulgence to them, because he saw, his life was at an end, and instantly he put on his angelicall vesture and remitted and loosed the bands of all his curses to the Emperor, and to all christian people, the liuing and the dead, the spiritualty and the laity, and willed his owne friends to depart out of Deodericus his house, and the friends of the Emperor to ascend into it.*

Chap. X.

NOw I returne to the Bishop *Frisingensis*, a man most noble for house, pietie, and learning, as I said, and

almoſt an eye witneſſe of theſe things. Hee both in the place produced by vs, and alſo in others, bewraieth plainly, that he allowed not that decree of the Pope, touching the depoſing of the Emperour, but that he holds it to be new, inſolent, and vniuſt. For firſt for the noueltie, and inſolencie of that Act, he writeth thus; *I read and read againe the Actes of the Romane Kings and Emperors, and doe finde no where, that any of them before this was excommunicate, or deprined of his kingdome by the Biſhop of Rome.* And againe in the firſt booke touching the geſtes of *Frederike.* [a] *Gregorie the VII.* ſaith he, *who then held the Biſhoprike of the Citie of Rome, decrees, that the Emperour as one forſaken of his friends, ſhould be ſhaken with the ſword of Excommunication. The noueltie and ſtrangeneſſe of this action did ſo much more vehemently affect the Empire already mooued with indignation, becauſe before that time neuer any ſuch ſentence was knowen to haue been publiſhed againſt the Princes of the Romanes.* Now he declares the iniuſtice and iniquitie of the fact, in diuers reſpects: Firſt, becauſe amongſt thoſe euils and miſchiefes which did ſpring out of that decree of the Pope, he reckons the mutation and deiection both of Pope and King: *that Pope was ſet aboue Pope, as King aboue King*, by which wordes he ſhewes that both of them by a like right, or rather by a like wrong was made, that as Pope was ſet vpon Pope by the Emperour vniuſtly, ſo alſo was King vniuſtly ſet vpon King by the Pope. Then, in that he ſaith, *Becauſe therefore the kingdome in his Prince*, &c. what doth that imply other, then that by reaſon of the Empire violated in the Prince, the Church was violated in the Biſhop, or elſe, for the kingdome wounded in the Prince, the Church was wounded in the Biſhop. Betweene which ſeeing he makes no difference of right or wrong, and both of them could not be done iuſtly, it followeth that hee thinketh both of them was don vniuſtly.

[a] Cap. 1.

Moreouer hee calleth as well the defection of *Rodolphus*, whom the Pope had created Emperour, as the inſurrection

rection of *Henrie* his ſonne of the Excommunicate Father, I ſay he calleth them both openly and ſimply plaine Rebellion, which ſurely he would neuer haue done, if hee had beleeued that *Henry* was lawfully depriued of his Empire, for there can bee no rebellion, but againſt a Superiour, and therefore it could not be againſt an Heretike, who if he were iuſtly depriued and depoſed was no more a Superiour. Therefore he thus writeth of Rodolphus[b]. *And not long after the two foreſaid Captaines* Guelfe *and* Rodolphus, *rebelling againſt their Prince, vpon what occaſion it is vncertaine, are ioyned with the Saxons.* And a little after: *But the Biſhop of Rome* Gregorie, *who at this time as is hath beene ſaid, ſtirred vp Princes againſt the Emperour, writ his letters ſecretly, and openly to all, that they ſhould create another Emperour.* But heere we muſt know by the way, that he ſaith, *vpon what occaſion it is doubtfull*, that it is to be vnderſtood of a priuate occaſion, as many are wont to ſpring betweene a King and his Nobles: as in our age betweene *Borbonius* and king *Francis*: the *Guiſe* and *Henry*; *Orange* and *Philip*, for each of them, both *Guelfo* and *Rodolphus* pretended a publike occaſion, that is to ſay, the furious behauiour of *Henricus*, and alſo for that hee was excommunicate and depoſed from his kingdome by the Pope, as writeth *Albert Schafnaburgenſis*[c], and ſo they couered priuate hatred as Rebels vſe to doe, with a publique pretence. But touching the Sonne our Biſhop *Friſingenſis* writeth in this manner[d]. *Afterward againe in the yeere following, when the Emperour celebrated the Natiuitie of the Lord at Moguntia,* Henry *his ſonne enters into rebellion againſt his Father in the parts of Noricum by the counſell of* Theobald *a Marques, and* Berengarius *an Earle, vnder the colour of Religion, becauſe his Father was excommunicate by the Biſhop of Rome: and hauing drawen to his partie certaine great Perſonages out of the Eaſt part of France, Alemania, and Baioaria, he enters into Saxonie, a country and Nation eaſily to bee animated againſt their King.* Heere let the Reader obſerue two things. One that this Author, a man notable for knowledge and

[b] *Lib. 1. de geſt. Friderici. cap 6.*

[c] *De reb. Germ.*

[d] *Lib. 7. Chron. cap. 8.*

pietie, calleth this insurrection of *Henry* the sonne, against *Henry* the Father, a Rebellion: the other, that both heere and in other places, he euer calls *Henry* the Father, King and Emperour, although he had been now about fiue and twentie yeeres excommunicate and depriued of his Kingdome by the Popes sentence: and first *Rodolphus*, and then *Hermannus*, were set into his place by the Pope and the Rebels, whereby he shewes sufficiently that hee thinkes that the Pope hath no authoritie to depose Kings, or to determine of their temporall gouernment: and therfore that the Decree of *Gregorie* was neither iust nor lawfull; otherwise neither *Henry* could haue been called King, nor his aduersaries Rebels without iniurie to the Bishop of Rome.

There is also an other place of the same Authors, wherin he shewes the same more plainly, that is, that the Pope by that excommunication and abdication hath taken no right of his kingdome from *Henry*, for after that he had related that *Bertolfus*, who was sonne in law to *Rodolfus*, (whom as hath been said, the Pope had created King) hauing killed his Father in law, and vsurped the Dukedome of Sweuia, as granted to him by his Father in law, and one the other side that *Henrie*, (who had been deposed by the Popes sentence) had granted the same Dukedome, to a certaine Nobleman of *Sweuia*, (whose name was *Frederike*) who forced *Bertolphus* to conditions of peace, *& ad exfestucationem Ducatus*: he addeth, *This Bertolfe although in this businesse he yeeldeth both to the Empire and to Iustice, yet he is reported to haue beene a resolute and a valiant man.* Behold how he vsing no manner of Circuition affirmes, that both Empire and Iustice stands on his part, against whom the Pope had long before passed the sentence of Deposition: but not with *Rodolphus*, being called to the Kingdome by the authoritie of the Pope, with this Epigraphe, now twise related aboue.

Petra dedit Petro, &c.

Lastly seeing he seriously saith and teacheth, That *Kings*

haue

haue none aboue them but God whom they may feare: doth he not euen by this concluſion teach vs, that the Biſhop of Rome hath no temporall authoritie, whereby he may diſpoſe in any manner of their kingdomes and gouernments? And ſurely although there were nothing elſe, for which that hainous action of Pope *Gregorie* might be miſliked, ſurely ſo many lamentable and deſaſtrous euents, ſo many fatall and wofull accidents, which ſpringing out of that iuriſdiction which was then firſt vſurped and practiſed by the Pope againſt the Emperour, afflicted the whole Empire full fiue and twentie yeeres, and rent the Church aſunder with a continuall ſchiſme, may be an argument to vs, that that Decree was not made by a diuine inſpiration, but by an humane paſſion: nor that it proceeded from an ordinarie Iuriſdiction of the holy Sea Apoſtolike, but either from an extraordinarie ambition, or an ignorance of his power and inconſiderate zeale of him that held the Sea. For it is not likely that God, who is the Author of Iuſtice and protector of the Church, and who hath made the firſt executions of the ſpirituall power of the Church exceeding fearefull by preſent miracles, and horrible effects, would not alſo in like manner ſecond with ſome ſingular miracle or extraordinarie aſſiſtance that firſt execution of ſo great and ſo high an authoritie and power of his Church: eſpecially ſeeing he was with ſo many praiers inuocated by the Biſhop for his helpe, and the * Apoſtles themſelues intreated with a ſolemne ſupplication, in theſe wordes: *Goe too therefore you moſt holy Princes of the Apoſtles, and by your authoritie interpoſed confirme that which I haue ſaid, that all men may now at the laſt vnderſtand if you can binde and looſe in heauen, that you are alſo as well able in earth to take away and giue Empires, Kingdomes, Principalities, and whatſoeuer elſe mortall men may haue. Let Kings now learne by this Kings example, and all the Princes of the world, what you are able to doe in heauen, and how much you are in fauour with God, and heereafter let them be afraid to contemne the commandements of holy Church. But execute with ſpeed*

* See the admonition to the Reader.

vpon Henrie, *that all men may vnderstand, that this Child of iniquitie falleth out of his Kingdome, not by chance, but by your care. Yet this I would intreat at your handes, that he being led by repentance, may at your request obtaine fauour of the Lord in the day of iudgement*[f]. These and such like praiers being powred out to God and the Princes of the Apostles, and Curses and Imprecations in solemne maner cast vpon *Henrie*, who would not thinke that God, who by his Apostles* preserues his Church with a continuall protection would not easily suffer himselfe to be intreated, and would not presently heare this first supplication of the Pope in the beginning of so great an authoritie of the Church to be made manifest, if any such authoritie had belonged to the Church. Wheras notwithstanding cleane contrarie, euery thing fell out crosse and vnhappie against the Pope, and against the authors and fautors of the Popes partie, whilest *Henrie* in the meane time triumphed and held his Empire still, for that which he suffered from his sonne at last after fiue and twentie yeeres, (*vnder a shew of religion* as Frisingensis saith,) that makes little or nothing to this matter. This was a pretext onely for a wicked sonne who was sicke of the Father before the time: but the true cause was ambition, and the burning desire of rule, *quæ multos mortales falsos fieri subegit*[g]. and hath oftentimes armed with cruell and hellish hatred the Fathers against the Children, and contrariwise, as wee haue shewed at large otherwhere[h]: One said excellently well, '*patris longior vita malo filio seruitus videtur*.

[f] Platin. in vita huius Pont.

* See the admonition to the Reader.

[g] Salust.

[h] Lib. 6. de reg. mo. cap. 4.

[i] Gagnin. in vita Ludou. Pij.

Chap. XI.

BY this, as I suppose, it is euident enough, that the Church in times past did not tolerate *Constantius*, *Iulianus*, *Valens*, and other wicked Princes, because she then distrusted her might and strength; nor because she could not reduce them to order without the great hurt of the people: for indeed she might with more ease, and lesse hurt to the people,

people, haue chaſtiſed thoſe ancient Princes. Then not onely *Henry* the fourth, from whoſe buſineſſe ſo laſting a ſchiſme did ſpring, but either *Otho* the fourth, or *Frederick* the ſecond, or *Philip Pulcher*, or *Lewes* the eleuenth, or *Iohn Nauarre*, or others, againſt whom the Biſhops, being puffed vp with the ſucceſſe of their affaires, drew foorth their Sentences of Excommunication and depriuation of Kingdomes, not for hereſie, nor for the euill gouernment of State, nor at the requeſt of the ſubiects, but euen inflamed and malicioufly carried with their proper affections, I meane their priuate hatred. To conclude, not for that the ſtate of the Church in that age would haue her Biſhops more readie than in this time to ſuffer martyrdome: for then the Church was in very ſafe eſtate, and as we ſay, ſailed in the hauen, as hauing been now anciently founded vpon the Apoſtolike conſtitutions, and ſufficiently eſtabliſhed by the labour and blood of martyrs. Yea, ſuch then was the ſtate of the Church, that there was much leſſe need for Biſhops to be readie for martyrdome, than at this time: for that ſo great a multitude, then being as it were ſprinckled with the freſh blood of the martyrs, did in a maner ſauour of nothing but martyrdome, that the Paſtour was no leſſe admoniſhed of his dutie by the example of the flocke, than the ſeuerall perſons of the people by the example of the Paſtour.

But now, ô lamentable caſe! the caſe is quite otherwiſe: the Church is toſſed with moſt grieuous tempeſts, and only not ouerwhelmed as yet with the furie of heretikes, manie, euen of thoſe who deſire to be called Catholikes, being ſo affected, that they are not willing to ſuffer any great troubles, much leſſe vndergoe death, for true religion: wherefore, that life and heat may be giuen to that lukewarmneſſe, and that men might be ſtirred vp to the readieſt way, and as it were the ſhorteſt cut, for their health, who ſeeth not that there is need of Biſhops, to ſhew the way both by word and example? and both to compoſe them themſelues, and to exhort others rather to martyrdome,

than to armes and insurrections, to which we are prone by nature? Who would not iudge, that the fatherly pietie of *Clement* the eight, ioyned with excellent wisdome, whereby he endeuoureth to reduce to amitie, and to keepe in amitie Christian Kings and Princes, is by infinite degrees more profitable for the Church, than the martiall furies of armed *Iulius* the eleuenth, wherby he wickedly and cruelly fought to set *Italie, France, Germanie, Spaine,* and all Christian countries together by the eares?

Seeing these things be thus, surely we must needs confesse, that either those ancient fathers of the Church committed a grieuous fault, in that they did not only suffer, and not kill (when they might easily) those guiltie and execrable forsakers of the faith, but also courteously reuerenced them, and honoured them with regall titles and dignities: or els we must needs thinke, that they spared those maner of Princes for the reuerence of Maiestie, & the power which in temporal matters is inferior to God alone: or surely we must beleeue, that besides the reasons deliuered by the aduersaries, there is yet some better behinde, which none hitherto hath brought forth, nor euer will, as I suppose. For that which a certain seditious fellow hath written in that infamous worke which he writ against Kings, [a] to elude the force of the former obiection touching the toleration of the ancient Fathers. *As though,* saith he, *we are to thinke that there is the same reason of the Church to be established, and which is established already, & that the Vine ought not to be planted and watered before it be pruned: but that then that power was giuen to the Church, when that of the Prophet was fulfilled: Kings shall be thy Nurces, & with a countenance cast to the earth shall they worship thee, & shall licke the dust of thy feete* [b]. that surely is such a toy, as I do thinke not worth the answering, seeing I suppose the Author himself scarce knowes what he saith. For what? were not the rotten members of the Church wont to be cut off euen from her infancie & first beginning? doth he not know, that that spirituall incision, which is proper to the Church, begã euen with the

[a] *Lib. 3. cap 18. de inst. Henr. 4. abdicatione.*

[b] Esay 49.

the Church her ſelf? What ſay you to *Ananias*, what to the *Corinthian*, were they not cut off by the church? If he know not this, he is to be thought an ill Diuine, & a worſe Vine-dreſſer, ſeeing he euen in the very firſt planting, ſhreds off whatſoeuer is ſuperfluous and vnprofitable in the vine, and ſuffers not the rotten and faultie branches to ſticke out of the ground: afterwards when it is a litle growen vp, he lops and cuts it, leſt it ſhould be ouercharged with vnprofitable and vnfruitfull ſtems. But if he meane corporall inciſion, he ought to know that the Church hath no skill of bloud, I meane, that ſhe doth not execute death vpon any, vnleſſe peraduenture it falles out by miracle, as in the perſon of *Ananias* and *Saphira*[c]. But what, doth he thinke that the Church was not perfectly eſtabliſhed in the times of *Ambroſe*, *Hierome* and *Auſtine*? Or that it was not ſufficiently planted & watred that at that time it might be conuenientlie ſhred? [d] Surely *S. Auſtine* in one place affirmes, that very few in his time were found, that thought euill of Chriſt. Why then did the Church tolerate *Valens*, *Valentinianus*, *Heraclitus*, and others? for from *Conſtantine* the Great, that Prophecie, which he alleadgeth, was fulfilled. But it was not yet time to cut the Lords vineyard. A worthy reaſon ſure, and to be ranked amongſt that fellowes fooleries, which in another place[e] we ſet downe by themſelues. Now let vs goe to the maintainers of the indirect power.

[c] Act. 5.

[d] *Tract. 17. in Ioan.*

[e] *Lib 5. ca. 6. de Regno.*

Chap. XII.

THeſe miens opinion I haue ſet downe aboue in the firſt and fift chapters: which is, *That the Pope, by reaſon of his ſpiritnall Monarchie, hath temporall power indirectly: and that ſoueraigne, to diſpoſe of the temporalties of all chriſtians, and that he may change kingdomes, and take them from one to giue them to another if it be neceſſary for the health of ſoules.* Againſt which opinion there are ſo many things, that I hould it to be vtterly improbable, if not incredible. For firſt of all, what is more contrary to it, then that the

Aduerſariorum ſententia toti antiquitati eccleſiaſticæ contradicit.

whole christian antiquity euer iudged, that Kings are lesse then God only, that they haue God only for their iudge, that they are subiect to no lawes of man, and can be punished or coerced with no temporall punishments [a], and therefore that which the authors of the law said, *Princeps legibus solutus est* [b], that the Grecians cheefly vnderstand, of penall lawes ἡγεμὼν ἁμαρτάνων οὐ κολάζεται. that is; *the Prince offending is not punished.* None of these things can stand with the opinion of the aduersaries. For if it be true that the Pope may dispose of kingdomes and states of secular Princes, and take from them their scepters, and all manner of dignity, it followeth necessarily, that the Pope is superior and euen Iudge ouer Kings in temporall matters, and besides that all Kings may be subiect to temporall punishments: which is directly opposite, as may be to the former opinion of the ancient Fathers. The necessity of the consequution is plaine by this, for that he who iudgeth an other lawfully, must of necessity be superior ouer him, whom he iudgeth. (For an equall hath not authority ouer an equall [c], much lesse an inferior ouer a superior) and also because, the depriuation of a Kingdome, euen as the publication of goods, is to be reckned amongst temporall punishments, and those very greeuous too.

What I pray you, that the Bishops themselues confesse that Kings haue no superior in temporalities. [d] They haue, and they haue not, cannot be both true: Therefore it is false, that Kings haue no superiour in temporalities, if an other may by law take their temporalities from them and giue them to an other. For if this be not an act of superiority, as I may speake, I know not surely, what it is to be superior, or if to condemne a King vnheard, and to punish him as farre as his regall dignity comes to, be not to be the Iudge of a King, we must confesse that no motion either of a iudgement or of a Iudge hath beene deliuered and left vs by our Elders. For in that they place the difference in the words, *Directe & indirecte*, that belongs not to the power of iudgeing, and to the effect of the iudgement, but onely

[a] *Vide cap. 8.*
[b] *L. Princeps D. de legib.*
[c] *L. Nam magistratus D. de recep qui arbi.*
[d] *Cap. per venerabilem qui fil. sunt legit. Repugnat confessioni Pontificum.*

onely to the manner and way, of acquiring ſo great a power. For the Canoniſts doe ſay, that the Pope hath receiued directly of Chriſt the temporal dominion of the whole world. But theſe men, I meane the Diuines, deeme that he receiued ſuch a dominion directly, as if you ſhould ſay, by it ſelfe, ſimply, and without conſideration of another thing: but onely indirectly, that is, by conſequence, in regard of that ſpirituall power, which he hath receiued directly from the Lord. Therefore this difference out of theſe words ought to be referred to the beginning and meane of acquiring a temporall power but not to the force and effect of the ſame. For whether you ſay, makes nothing for the ſtrength and power of the Popes iudgement ouer Kings: vnleſſe peraduenture ſome may ſay, that the Pope if he be an ill man, may tyrannize ouer the Parſons and Eſtates of Kings more freely indirectly, then directly.

But if the opinions of the aduerſaries ſhould take place, Chriſtian Kings and Princes ſhall not only be Clients and Vaſſals to the Pope in temporalities, but that which is more baſe, they ſhall hold their Kingdoms and Principalities as it were at his courteſie. And this I doe eaſily prooue euen out of the very principles and grounds of the aduerſaries. The Pope may take from any man his kingdome, and giue it to another, if ſo be that it be neceſſary for the health of ſoules: But to iudge and determine, if it be neceſſary, belongs to the ſame Pope, of whoſe iudgement, whether it be right or wrong, none can iudge, * therefore where he liſteth he may depriue euery man of his kingdome and giue it to another.

* Can. patet. can aliorum 12. q. 3.

The Propoſition in this argument, is the very opinion of the aduerſaries: and the Aſſumption is without controuerſie amongſt all Catholikes: for none but an Heretike will deny that the charge of ſoules belonges to the ſucceſſour of Peter and Vicar of Chriſt. Laſtly, the concluſion followes neceſſarily of the premiſſes becauſe if the Pope wil transferre any kingdome from one to another, he may ſay that he iudgeth it neceſſary for the health of ſoules, and

none

none may iudge of his iudgement, as hath beene said. And so it shall euer be in his pleasure, whether he will take from Kings their scepters, which what is it else, but that all Kings doe as it were by courtesie hould their kingdomes, which must be taken away at the Popes becke [f]? Behold in how slippery a place Christian Kings and Princes should stand, if it should be true, that the Pope hath power indirectly to dispose of all temporalities of Christians, who shall measure that power euer by his owne pleasure and iudgement, that nothing will be more easie for him, if he be displeased, then to pretend a cause to exercise his indirect power, so oft as either the desire to reuenge priuate iniuries, or the ambious greedinesse to rule shall pricke him forward, or euen where he shall suppose himselfe wronged and contemned, although without any publike offense. Whereof *Boniface* the 8. and *Iulius* the 2. to say nothing of others, haue giuen notable proofe, when as to the great scandall of many, they practised by the crooked way of this indirect power to powre out their hatred conceiued against most mighty kings. Therfore that which the interpreters of the pontificall law do deliuer touching the benefices of Cleargy-men *that they are almanual in respect of the Pope*, the same might be said of kingdomes if this temporall power should be indirectly granted to them, as though it were in his hand and power to giue and take the same from one after another, as being only tenants at courtesy. But I omit this reason taken from ἄτοπον, or from an inconuenience, which although it be of no moment against *Bozius* & the Canonists for that they admit of all that inconuenience, and confesse that kings haue nothing in their kingdoms but an execution committed to them by the Pope, yet is it strange against the Diuines, and all the abettors of the indirect power.

But both all power and all dominion and iurisdiction is obtained either by the law of God or of Man, and also he that possesseth or holdeth any thing, if he hold by neither of these, holdeth wrongfully, as *Augustine* reasoneth excellently against the *Donatists*. [g] Therefore it cannot be that

[f] L. 1. D. de priuat.

[g] Tract. 6. ad cap. 1. Ioa. can. quo iure dist. 8.

that the Pope, ſhould iuſtly exerciſe any temporall iuriſdiction ouer ſecular Kings and Princes, vnleſſe it be certaine that the ſame is giuen him either by the law of God or of Man. But neither in diuine, nor humane lawes is any ſuch place found, which confers any ſuch power vpon him, whereas on the contrary part, the domination and authority of kings is openly commended and allowed by many teſtimonies of ſacred Scriptures, as when it is ſaid: *By mee Kings raigne. All power is giuen to you. The Kings of the Nations rule ouer them. The heart of the King is in the hand of God. I will giue them a King in mine anger. My ſonne, feare the Lord and the King. Feare God, honour the King:* and euery where the like ſpeeches.

Laſtly, ſeeing this temporall power and Iuriſdiction of the Pope, whereof we ſpeake, is not found to be compriſed neither in the expreſſe word of God in the Scriptures, nor by the tradition of the Apoſtles receiued as it were by hand, nor practiſed by vſe and cuſtome in the Church for theſe thouſand yeeres and more, or exerciſed by any Pope: nor allowed and commended, nay not ſo much as mentioned by the ancient Fathers in the Church, I pray you what neceſſitie of faith ſhould force vs to admit it? or with what authoritie can they perſwade the ſame vnto vs? Our opinion ſay they, is prooued by reaſons and examples: how glad, ſay I would I be, that that were true. But wee ought chiefely to know this, that onely thoſe reaſons are fit to prooue this opinion of theirs, whereof euident proofes and demonſtrations are made, which none of them hath hitherto brought, nor as I thinke could bring. For as touching reaſons onely probable, and likely, whereof Dialectike ſyllogiſmes doe conſiſt, their force is not ſuch, as can conclude and giue away from Kings and Princes their ſoueraigne authoritie from them, ſeeing that euen in daily brables about trifling matters, nothing can be concluded, vnleſſe the Cauſe of the Suiter, bee prooued by manifeſt and euident proofes and witneſſes: *and therefore the Actor not prooning, he that is conuented, although himſelfe performe*

[b] *L. qui accusare. C. de eden. l. actor. C. de prob. cap. 1. de probat.*

nothing, shall carie the businesse[b]. But the helpe is very weake and feeble in Examples, because they onely shew what was done, not what ought to be done: those excepted which are commended or dispraised by the testimonie of the Scriptures, which seeing they are thus, let vs now see with what reasons the Aduersaries confirme their opinion.

CHAP. XIII.

THere is not one amongst them all, who are of the Popes partie, as I said before, who hath either gathered more diligently, or propounded more sharpely, or concluded more briefly and subtlely, than the worthy Diuine *Bellarmine*, whom I mention for honors sake, who although he gaue as much to the Popes authoritie in temporalities as honestly hee might, and more then he ought, yet could hee not satisfie the ambition of the most imperious man *Sixtus* the fift: Who affirmed *that hee had supreme power ouer all Kings and Princes of the whole earth, and all Peoples, Countries and Nations, committed vnto him not by humane but by diuine ordinance* [a]. And therefore he was very neere, by his Pontificiall censure, to the great hurt of the Church to haue abolished all the writings of that Doctor, which do oppugne heresie with great * successe at this day: as the Fathers of that order, whereof *Bellarmine* was then, did seriously report to me. Which matter comforts me, if peraduenture, that which I would not, any Pope possessed with the like ambition shall for the like cause forbid Catholikes to read my bookes. Let him doe what he will, but he shall neuer bring to passe that I euer forsake the Catholike, Apostolike, and Romish faith, wherein I haue liued from a Child to this great age: or dye in another profession of faith, then which was prescribed by *Pius* the 4.

[a] *In Bulla contra Hen. 3. Fra. Regem.*

* See the admonition to the Reader.

We will then bring their reasons hither out of *Bellarmine*, for they are fiue in number: leauing others, especially *Bozius* his fancies, which are vnworthy that a man of learning should trouble himselfe to refute.

The

The first reason is, which *Bellarmine* propounds in these wordes. *The ciuill power is subiect to the spirituall power, when each of them is a part of the Christian common-wealth: therefore a spirituall Prince may command ouer temporall Princes and dispose of temporall matters in order to a spirituall good, for euery superiour may command his inferiour.* And least any peraduenture elude this reason by denying the Propositiō, with the next he labours to strengthen the same, by three reasons, or *Media*, as they call them.

Now that ciuill power, not onely as Christian, but also as Ciuill, is subiect to the Ecclesiastike, as it is such, first it is proued by the ends of them both, for the temporall end is subordinate to the spirituall end, as it appeares: because temporall felicitie is not absolutely the last end, and therefore ought to be referred to the felicitie eternall. Now it is plaine out of Aristotle, Lib. 1. Eth. cap. 1. *that the faculties are so subordinate, as the ends are subordinate.*

Secondly, Kings and Bishops, Cleargie and Laitie, doe not make two common wealthes, but one, that is one Church, for we are all one bodie. Rom. 11. *and* 1 Corinth. 12. *But in euery bodie the members are connexed and depending one of another: but it is no right assertion, that spirituall things depend on temporall; therefore temporall things depend of spirituall, and are subiect to them.*

Thirdly, if a temporall administration hinder a spirituall good, in all mens iudgement the temporall Prince is bound to change that manner of gouernment, yea euen with the losse of a temporall good: therefore it is a signe that the temporall power is subiect to the spirituall. Thus he.

Which that I may satisfie in order, I answere: that it is very false, which in this first reason is thrust vpon vs, for a true, certaine, and sound foundation, false, I say, that the Ciuill power is subiect to the Spirituall, since both of them is a part of the Christian common weale: vnlesse they vnderstand it thus, that it is subiect in spirituals, and againe that this ought to be subiect to that in temporals, since these two powers are so parts of the Christian common-

weale, as neither hath authoritie ouer other; as which when they were free and of themselues absolute, out of a mutuall loue closed together. Therefore each of them acknowledgeth and reuerenceth the other in his order and office, and each doth exercise her function at her pleasure: only there is between them a certaine consent and fellowship conspiring in the conseruation and maintenance of the Christian common-weale: for by both the powers, or (to vse *Genebrardes* [b] wordes) *by both the Magistracies, Ecclesiastike and Politike, the Church is maintained, defended, and flourisheth*: which that she might be protected and preserued tyght and vpright.

[b] *In Psal. 2.*

Sarta tecta.

Horat. ar. poet.

——————————————————*alterius sic*
Altera poscit opem res, & coniurat amicè.

that as long as they keepe this societie, the Christian common-weale is like to flourish and abound with innumerable commodities of concord and peace: But when they dissolue this combination thus contracted, certainely the spirituall power, though it excell with a diuine vertue, yet being now weakned in the eye of the world, and depriued of his corporall helpes, for the most part is contemned: and the temporall although it be mightie and strong, hasteneth thorough all villanie and furie to her owne destruction, being destitute of heauenly grace which she enioyed by the societie of the spirituall power. Notwithstanding neither can the power Ecclesiastike redresse her wrongs the more by her selfe, but by spirituall weapons, nor the temporall power worke vpon the Ecclesiastike, but by visible and corporall armes, whereof I would to God, that both the monuments of former times, and also our owne age & memorie did not put vs in minde thorough so many lamentable examples. And this surely is no other thing then that which I said before, *Hosius* said to *Constantius* the Arrian. *Neither is it lawfull for vs, to hold any Empire on earth, neither haue you power ouer sacrifices and holy things, being an Emperour*, and which *S. Bernard* to *Eugenius* the Pope, [a] *These low and earthly businesses, haue Iudges, Kings, and*

[a] *Lib. 2. de consider. cap. 6.*

Princes

Princes of the earth. Why doe you inuade an others borders? why reach you your ſithe into another mans harueſt? Therefore theſe two powers Eccleſiaſtike and Politike are not ſo parts of the Chriſtian common-weale, that one ſhould be Maſter ouer the other: but ſo are parts, as which when they were ſingle, and deuided one from the other, with a ſingular concord and vnion ioyned together at the laſt, that each of them might afford helpe and ſuccour to the other, and by mutuall and enterchanged courteſies and offices might oblige and demerit one another. Neither is it to be granted becauſe the power Eccleſiaſtike is holier, and worthier then the Politike, therefore that this is ſubiect to her: but onely (as it often commeth to paſſe in a ciuill ſocietie) that ſhe being the worthier and the richer applied herſelfe to this, which is neither ſo noble nor ſo wealthy, for the benefit of them both: ſo as both of them remaine free in that ſocietie, and neither depend any way of other. Therfore excellently writes *Driedo* to this purpoſe[d]. *Chriſt* (ſaith he) *ſeuered the duties of theſe two powers: that the one might gouerne diuine and ſpirituall matters and perſons, the other profane and worldly*: and after, *Behold thou plainly ſees that Chriſt hath ſeuered the duties of both the powers: Therefore the diſtinction of the Eccleſiaſticall power Papall, from the ſecular and Imperiall power is made by the law of God.* And after in the ſame chapter: *From whence the Pope and the Emperour are in the Church, not as two chiefe Rulers diuided betweene themſelues, whereof neither knoweth other, or reuerenceeth as his ſuperiour,* (for this ought to acknowledge and reuerence him in ſpirituall caſes, and he this in temporal, and according to the old Gloſſe, in *Can. Hadrian*, 63. as he is father to this in ſpirituals, ſo is this to him in temporals) *becauſe a kingdome diuided againſt it ſelfe, will come to ruine. Nor againe are they as two Iudges ſubordinate, ſo as the one receiues his iuriſdiction from the other. But they are as two rulers, who are the Miniſters of one God, deſigned for diuers offices, ſo as the Emperour gouerns ſecular cauſes and perſons, for a peaceable Society in this world, and the Pope rules ſpirituall to the ad-*

[d] *Lib. 2. de liber. Eccleſiaſt. cap. 2.*

nancement of Christian faith and charitie.

But *Bellarmine* also himselfe. *Marke, quoth he, that the Sunne and the Moone is not the same Starre, and as the Sunne did not constitute the Moone, but God; so also, that the Pontificate and the Empire is not the same, nor one absolutely depend on the other.* Surely the Sunne and the Moone are two great lightes, which Pope *Innocentius* interpreteth by an allegory, *Two dignities which are the Pontificall authority, and regall power:* and compares that to the Sunne, this to the Moone. From whence I reason on this manner. As the Moone is no lesse the Moone, nor consisteth the lesse of hir selfe, when shee departs from the Sunne, and by wandering looseth the light shee borrowed on him, then when shee is enlightned with his beames in her full Orbe and Aspect, and in neither regard either shee depends of him, or he of hir, but both holding the order and manner of their institution doe seruice both to God and the world: so also the Kingly or Politike power resting on hir proper strength, subsisteth alwaies by hirselfe: and although she receiue great light from the Pontifical and spirituall power, to liue well and happily, yet is not changed at all hir οὐσία or Essence neither by her approach, nor by her departure, nor diminished, nor increased, much lesse is shee subiect to her, when shee comes to her. Now it remaineth that we seuerally declare the faultes of the reasons, wherewith *Bellarmine* supposeth that his first reason is vnderpropped.

Chap. XIIII.

THerefore touching the first: I doe constantly deny, that there is any such ordination or subordination of the endes of their powers, so farre as their powers are such. For the end of Politike or Ciuill power, so far as it is politike absolutely containeth no more, then a temporall felicity. I meane, the Common-good, and a well ordered tranquillity for the quiet conduct of life, as *Bellarmine* himselfe confesseth in another place. *The Ciuill power*, saith he, *hath*

hath her Princes, Lawes, Iudges, &c. and likewiſe the Eccleſiaſtike her Biſhops, Canons, Iudgements. That hath for end a temporall peace; this eternall ſaluation. Neither doth this Ciuill power proceed further, and is referred to none other end, as it is ſuch. For in that it aſpireth to eternall happineſſe it hath not that of hir ſelfe: not I ſay ſo farre, as it is Politike doth ſhee direct hir indeuours thither, as to hir laſt ſcope: but in reſpect that ſhee is ſpirituall, or elſe is furthered by the ſocietie and Counſels of the Eccleſiaſtike power. As appeareth by innumerable both peoples and Cities, in whom the Ciuill power was ſtrong and powerfull by ſeuerity of lawes, although they had very ſlender or no notion at all of this euerlaſting happineſſe, whereof we ſpeake. This alſo the Apoſtle declares [a] when he willes vs to pray for Kings, and all that are in authoritie, *that we may liue a peaceable life in all pietie and chaſtitie*: aſcribing peace and tranquillitie of life to the Politike gouernment, but pietie and chaſtitie to Chriſtian diſcipline. Therefore, to ſpeake in one word we muſt know, that the ends of humane actions are in the intention, and not in the vnderſtanding, that is to ſay, not that which the vnderſtanding can inuent by diſcourſe of reaſon, is the end of the Action, but that which the will doth deſire to attaine by doing, while the minde meditates on the Action, that is the end of Action. Whence *Nauarrus* ſaith very well, [b] *That the end of the Laike power is the good, happie, and quiet temporall life of men, which alſo is the end of the lawes, which proceeded from the ſame. And that the end of the Eccleſiaſtike power is an euerlaſting ſupernaturall life, and that the ſame is the end, of the lawes which proceed from her.* I would proſecute this further, but that I thinke that the matter is plaine enough to men of wit euen by Philoſophie it ſelfe.

[a] 1. ad Tim. 2.

[b] *In relect. cap. nouit num. 90. de iudic.*

But the ſecond reaſon is ſo friuolous and captious, as nothing can be ſpoken more fondly, or be gathered more vnſoundly, for is there any old wife ſo doting, as vnderſtands not the weakneſſe of this conſequution, *They are members of one bodie, therefore one depends of another.* For

neither doth a foote depend of a foote, nor an arme of an arme, nor a ſhoulder of a ſhoulder, but they are ioined to ſome third and middle member, by themſelues or by other members, to which they adheare. And is it not gathered by the ſame manner of reaſoning, and by the ſame argument plainly;

The armes of euery man be members of one bodie:
But in euery bodie the members are connexed and depending one of another, but it is not rightly affirmed. That the right depends of the left: Ergo
The left arme of euery man depends of the right, and is ſubiect to it.

Who would not laugh at ſuch kind of Arguments ſo full of vanitie? I hate thoſe miſerable demonſtrations, which doe rather inwrap and infold the matter they haue in hand with quirckes, illuſions and captious ſophiſtications, then explane the ſame, for as the armes are knit to the ſhoulders and the ſhoulders are knit to the necke and head; nor the right arme or the right ſhoulder is ſubiect to the left, or contrarily; ſo the power ſpirituall and temporall, or Eccleſiaſtike and Politike, although they be members of one Politike bodie, and parts of one Chriſtian common-weale and Church, yet neither is ſubiect to the other: and neither can without great ſinne preſſe and encroach vpon the borders and Iuriſdiction of the other: but both, as it were the ſhoulders of one bodie are knit to the head which is Chriſt. Whereof this, I meane the Politike preſcribeth to the Citizens and Subiects, the preceptes of liuing wherein the peace and tranquillity of humane ſocietie is maintained; and the other, raiſeth and inſtructeth mens mindes to the ſupernaturall contemplation of immortality and eternall happineſſe: (which doth ſubſiſt with Ciuill tranquillity, and ſometimes without it:) whereof it followes that theſe powers are diuided and ſeuered in the ſame Chriſtian Common-weale, ſo as neither can be ſubiect to other ſo farre foorth as it is ſuch. And ſurely vnleſſe *Bellarmine* confeſſe this he will be conuinced by his owne doctrine

deline-

deliuered other where : for in his third booke, *De Rom. Pontif. c.* 19. where he confutes the trifles of the Smalchaldike Synod of the Lutherans, and answers to that argument of theirs, wherein they say, *That the Pope makes himselfe God, seeing he will not be iudged by the Church nor by any man* : he shewes that the consequence is faulty, in an argument drawen from Kings, who also themselues haue no Iudge in earth, as concerning temporalties. *The Kings of the earth* (saith he) *certainly acknowledge no iudge in earth, in the point which appertaines to politike matters, shall there be therefore as many Gods as there be Kings?* What other thing is it, I pray you, that Kings haue no Iudge in earth, *as concerning politike matters*, then that which we will prooue, that the Politike power is distinguished from the Ecclesiastike, and that the Pope can by no meanes dispose and iudge of the same? For if he could, surely either Kings should haue a Iudge in earth, euen, *As touching politike matters*, or the Pope must alwaies dwell in heauen. Therefore it cannot be but that *Bellarmine* either disagreeth from himselfe, or that he hath slipt for want of memory, or that which I beleeue not, that he desires to vary and change the truth, when as in one place he assumeth for certaine and granted that Kings haue no Iudge in earth, as concerning Politike matters: and in another place hee sets the Pope as Iudge ouer all Kings and Princes, who may iudge and depose them, and at his pleasure dispose of all their kingdomes and estates. For whereas he makes the distinction in these words, *directly and indirectly*, that belongeth onely to the forme and maner of proceeding, but not to the force and working of the iudgement. For it is euer true that he hath a Iudge in earth as concerning temporalties, whom the Pope iudgeth in temporalties what way soeuer, either directly or indirectly, And I pray you, what oddes is there, in regard of the miserie and calamity of a King, that is iudged by the Pope, and depriued of his kingdome, whether the Pope hath done it directly, as if hee should giue sentence, vpon the King of *Sicily* or *Naples*, as the direct Lord of the fee vpon his vas-

ſell : or hath done it indirectly, as vpon other Kings, who are not ſubiect to him by any Clientelar law, if ſo be a like puniſhment follow both the iudgements? And this is ſufficient for the ſecond argument. Now let vs examine what force the third hath.

How vaine and idle his third argument is, it is plain euen by this, that nothing could be gathered thereof by the Author, but that, *it is a ſigne that the temporall power is ſubiect to the ſpiritual.* He vndertooke to prooue a matter by demonſtration, and onely bringeth foorth a ſigne, and that ſurely not τεκμηρίον, but εἰκὸς, which many times deceiues vs by a falſe direction. Therefore I anſwer to the argument by denying the conſequence. For although it be true that a temporall Prince is bound to change the manner of his gouernment, if the ſpirituall good be hindred thereby: yet is it not heereby prooued by a neceſſary conſequence, that the temporall power is ſubiect to the Spirituall : but this onely, that a ſpirituall good is more excellent then a temporall good, the which is true and we confeſſe it. For if one be more worthy then another, it doth not follow by and by that the leſſe worthy depends of the more worthy, and is ſubſtrate and ſubiected to it : for they may fall out to be comprehended in kinds or orders ſo diuers by nature, that neither can depend of other, or be held by any bond of ſubiection. Therefore we grant that a Prince in the caſe propounded ought to change the form of Ciuill adminiſtration, & may be conſtrained to do it by the church, or by the head thereof and chiefe Paſtor in earth, which is the Pope ; but onely by Spirituall puniſhments, the horror whereof to a good man is more greeuous then all the puniſhments in the world. (For euen by the teſtimonie of a Heathen. [a] *The horror of diuine puniſhment hath withdrawen many from ſinne*) but not by temporall puniſhment, as is loſſe of goods, and depriuation of Kingdome, ſeeing a Prince hath no ſuperiour in temporalties, Therefore as much as concernes theſe puniſhments, he is to be left to the diuine iudgement and reuenge. Hence *Iſidorus* whoſe opinion

[a] *Cic. lib. 2. de legib.*

nion is registred amongst the Canons, [d] *Whether the peace and discipline of the Church be increased by faithfull Princes, or dissolued, he will exact an accompt of them who hath deliuered and committed the Church to their power.*

[d] 23 q. 5. can. Principes in fi.

CHAP. XV.

ALthough this last Argument is sufficiently weakned by that which hath been said, yet it is worth the labour to make a little further discourse, and more at large to explaine my whole meaning touching this point. Therefore we must vnderstand, that all Kings and Princes christian, as they are the children of the Church, are subiect to the Ecclesiastike power, and that they ought to obey the same, so oft as she commandeth spirituall things: which vnlesse they shall doe, the Church, by the power and Iurisdiction which she hath ouer them, may inflict spirituall Censures vpon them, and strike them with the two edged sword of the spirit: although she ought not to doe it alwaies, (as hath been before declared [a]) but with that sword onely, not with the visible and temporall sword also, because this sword is committed onely to the Ciuil and Secular power. Wherefore so oft as the spirituall power, standeth in need of the assistance of the temporall sword; she is accustomed to intreat the fauour and friendship of the Ciuill power, her friend and companion. Contrariwise, that Ecclesiastike Princes and Prelates, are subiect to ciuill Princes in temporalities, and ought to obey them in all things, which belong to their ciuill gouernment, in no other manner, then the Ciuill are bound to obey them commanding spirituall things, so as they bee such as repugne neither the Catholike faith, nor good manners. Yea that not so much as the Pope himselfe, is excluded and free from this temporall subiection for any other reason, but because that by the bountie of Kings he hath been made a King himselfe, I meane a ciuill Prince, acknowledging no man for his superiour in temporalties, and thus much

[a] Cap. 9.

doth that most eager patron of Ecclesiastike Iurisdiction confesse, whom most men say is *Bellarmine* in his answer, *ad precipua capita Apologiæ, &c. That opinion* (saith he) *is* [b] *generall and most true, that all men ought altogether to obey the superiour power. But because power is twofold spirituall and temporall, Ecclesiastike and Politike, of which one belongeth to Bishops, the other to Kings: the Bishops must bee subiect to the Kings in temporall matters, and the Kings to the Bishops in spirituall, as* Gelasius *the first in his Epistle to* Anastasius, *and* Nicolaus *the first in his Epistle to* Michael. *And because, the Bishop of* Rome, *is not onely a chiefe Prince Ecclesiastike, to whom all Christians are subiect by the law of God, but is also in his Prouinces a Prince temporall, nor acknowledgeth any superiour in temporalties; no more than other absolute and soueraigne Princes doe in their kingdomes and iurisdictions, hence it commeth to passe; that in earth he hath no power ouer him.*

[b] Pag. 114.

Wherefore not because he is cheefe Bishop, and spirituall father of all Christians, is he therefore exempted from temporall subiection, but because he possesseth a temporall principality, which is subiect to none. Therefore in those matters, which belong to the safety of the common wealth, and to ciuill society, and are not against the diuine ordinance, the Cleargie is no lesse bound to obey the soueraigne Prince temporall, then other Citizens are: as* *Bellarmine* himselfe declareth excellently well; adding also a reason, secondly, *for that Cleargie men, besides that they are Cleargie men, they are also Citizens, and certaine ciuill parts of the common wealth. Cleargie men,* (saith he) *are not any way exempted from the obligation of ciuill lawes, which do not repugne the sacred Canons, or the clericall dutie.* And although he saith, that he speakes not of coactiue obligation, yet is it more true, that they may be constrained by a temporall iudge to the obedience of the lawes, where the cause doth require, that in that case they should not enioy the benefit of their exemption, which it is certaine enough, that they receiued from the lawes of Emperors and Princes. For in vaine doth he challenge the be-

*In lib. 5. de Clericis Cap. 28.

nefit

nefit of lawes, who offends against them.

Hence it is, I meane out of this ſociety and fellowſhip of clerkes and laikes in the common weale, that in publike aſſemblies the Cleargie, if they be to conſult of temporall affaires, doe ſit in the next place to the Prince. Therefore ſpirituall power, (by the word of power, it is vſuall to ſignifie the perſons, indued with power) doth both command and obey politike power, and the politike her againe. And this is that indeed, whereof *B. Gregorie* the Pope, admoniſheth *Maurice* the Emperor, [a] *let not our Lord,* (ſaith he) *out of his earthly authority be the ſooner offended with our Prieſts, but out of his excellent iudgement, euen for his ſake, whoſe ſeruants they are, let him ſo rule ouer them, as that alſo he yeeld them due reuerence.* That is to ſay, let him rule ouer them, ſo far forth as they are Citizens, and parts of the common wealth: yeeld reuerence, as they are the Prieſts of God and ſpirituall fathers, to whom the Emperor himſelfe, as a child of the Church, is in ſubiection. And this courſe and viciſſitude of obeying and commanding between both the powers, is by a ſingular preſident declared of [b] *Salomon,* who feared not to pronounce *Abiathar* the high Prieſt guilty of death, becauſe he had a hand in the treaſon of *Adoniah.* For the ſtory ſaith, *The King alſo ſaid to Abiathar the Prieſt. Goe thy waies to Anathoth, to thy houſe, and ſurely thou ſhalt die: but to day, I will not ſlay thee, becauſe thou haſt caried the Arke of the Lord, before Dauid my father, and haſt endured trouble, in all thoſe things, wherein my father was troubled. Therefore Salomon diſmiſſed Abiathar, that he ſhould not be a Prieſt of the Lord.* Behold how *Salomon* ſhewes, that in a ciuill and temporall buſineſſe he had authority ouer the Prieſts, whereas notwithſtanding it is euident that in the old law the Prieſts were ouer the Kings, and vſed to command, and alſo to withſtand them, in all things which belonged to the worſhip of God and the Prieſtly function.

[a] *Lib 4 Epiſt. 75.*

[b] *3. Reg cap. 1.*

But for that *Bellarmine* would faine haue it [c] that *Salomon* did this not as a King, but as a Prophet and an executioner

[c] *Lib. 2. de Rom. Pont. cap. 29.*

cutioner of diuine iuſtice, I require ſome proofe of this interpretation, ſeeing it appeares no where by the Scriptures, and therefore reſts vpon mere coniecture only. For in that place, there is no mention made, neither of any commandement ſpecially giuen by the Lord, nor of any extraordinary power delegated vnto him, but rather the cleane contrary, *Salomon* himſelfe declareth openly enough, that he executed this iudgement as King according to the ordinary power of the gouernment which he enioied in the right of his kingdome, by vſing this preface: *The Lord liueth, who hath eſtabliſhed me, and placed me vpon the throne of Dauid my father.*

And indeed the whole buſineſſe was not ſpirituall or Eccleſiaſtike but temporall and politike only, wherein *Salomon* knew very well that the King as King was the lawfull and ordinary iudge, and therefore we do not read, that by one intereſt he gaue iudgement vpon *Adoniah*, and by an other vpon *Abiathar*. Againe where *Bellarmine* to ſtrengthen his interpretation takes hold of thoſe words, *vt impleatur ſermo Domini, &c.* it is very ſleight I will not ſay abſurd, for what belongs this to the manner of fulfilling? who knoweth not that the ſame ſpeech of the Scripture, is as well verified of that, which is performed after an vſuall law, and an ordinary authority, as in this place, as of that, which is fulfilled either extraordinarily by ſome wonderfull euent, or by the impiety and tiranny of men? The wicked when they crucified our Sauiour, [g] *diuided his garments, that it might be fulfilled, which is ſpoken by the Prophet, or, that the Scripture might be fulfilled* [h]. Therefore ſuch kind of words are wont to be added in the Scriptures, to ſhew the truth of the prediction and prophecie ſo as to draw an argument from hence to gather an other matter, muſt ſeeme very ridiculous and childiſh. Indeed *Salomon* in that caſe, was the executer of the diuine iuſtice. I allow it: he was a Prophet alſo, it is true, and what then? And yet we read that he did that, by his kingly authority, and common or ordinary power, and none, not the leaſt mention

[g] Math. 27.

[h] Iohn. 19. 1.

tion made of any ſpeciall commandement. Neither is there any place in Scriptures, where we may read that this iuriſdiction, was by ſpeciall name committed to him. Moreouer it is not likely, that the author of the ſtory, being inſpired with the holy ghoſt, would without any touch or warning paſſe ouer ſo different cauſes of ſo great a buſineſſe and of ſo great weight, if ſo be the King had paſſed his iudgement by vertue of one power and authority, againſt *Adoniah* being a lay perſon, and another againſt *Abiathar* a Prieſt.

In like ſort the ſame learned man is deceiued, when he ſaith. *That it is no wonder, if in the old teſtament the ſoueraigne power, was temporall, in the new ſpirituall, becauſe in the old teſtament the promiſes were only temporall, and in the new ſpirituall and eternall.* For neither in the old teſtament was the ſoueraigne power altogether temporall, neither is ſpirituall in the new. But each in his owne kingdome, that is, in the iuriſdiction of his owne power, as is moſt meet, did then beare ſway, and at this time ruleth: euen then, ſay I, both of them contented with their owne precincts, abſtained from that, which was not their owne, that neither the temporall power, inuaded the ſpirituall iuriſdiction, and Prieſtly function, nor the ſpirituall preſſed vpon the temporall as in their owne right. Now that right which *Salomon* did ſhew at that time to belong to Princes temporall ouer the Cleargie, is acknowledged and retained by Kings in the new law and in the chriſtian common wealth. From hence came thoſe priuiledges, which diuers Princes, excelling in deuotion and piety, granted to Eccleſiaſtike perſons[l]. For to what end were priuiledges giuen to them, if by a common right they were not ſubiect to kings? ſeeing that, they who are defended and exempted by the common aide, and by mere law, haue no need of any priuiledge, or extraordinary helpe[m].

And with theſe agree, euen thoſe things, which *Bellarmine* himſelfe doth moſt rightly affirme againſt the Cano-

Eod. lib. 17. cap.

[l] *Extant in Cod. et Decret. at q. in hiſt. eccleſ.*

[m] *l. in cauſ. 16 D. de minor. l. 1. de conſtit. princ.*

niſts. *That the exemption of the Cleargie in ciuill cauſes, as well touching their perſons as touching their goods; was brought in by the law of man, and not of God*, and hee confirmeth it both by the authoritie of the Apoſtle whoſe that ſame rule ſo much celebrated, *Let euery ſoule bee ſubiect to the higher powers*, as well includeth the Clerikes as the Laikes, by *Chryſoſtomes* teſtimonie) and alſo by the teſtimonie of the ancient Fathers: and laſtly, in that as he ſaith, *No word of God can bee brought forth whereby this exemption can bee confirmed*. And I adde this as a moſt pregnant argument of this truth, that in the moſt flouriſhing eſtate of the Church, and vnder thoſe Princes who acknowledged the Pope the Paſtor of the vniuerſall Church, and the Vicar of Chriſt, it was enacted and obſerued by the Imperiall lawes, that the Cleargie ſhould anſwere before ſecular Iudges touching ciuill crimes, and be condemned by them, if they were found guiltie of the crime laid againſt them [p]. And indeed, leaſt we miſtake, we muſt vnderſtand, that not all theſe priuiledges of perſons and buſineſſes, which at this day the Cleargie enioyeth, were granted by the ſame Princes, nor at the ſame time. For firſt *Conſtantinus Magnus* endowed them with this ſingular priuiledge onely, that they ſhould not be obnoxious to nominations and ſuſceptions, that is, that being nominated or elected they ſhould not bee conſtrained to beare office, or to vndertake any wardſhip, or to take any office which concerned the collection or receipt of Victuall or Tribute: whereas before they were called to all theſe things without exception as well as any other Citizens. In the eight yeere after, by the ſame Prince his fauour they obtained immunitie and excuſe from all Ciuill functions, as appeareth by the Conſtitutions of the ſame Emperour [q]; wherein hee giues this reaſon of his priuiledge: *Leaſt the Cleargie by the ſacrilegious malice of certaine men might be called away from diuine ſeruice*. And ſurely it is a thing worth the marking, againſt the vnthankfull raſhneſſe of certaine Clerikes, who can endure to aſcribe the beginning of their immunities to the cour-

[p] Nou. 11. vt Cleri. 83. §. Si tamen collat. 6.

[q] L. 1. & 2. Cod. Theod. de Epiſc. & Cleric. li. 16.

courteſie and gift of ſecular Princes, becauſe the ſame godly Princes doth tearme thoſe exemptions Priuiledges; for thus he: *By the faction of hereticall perſons we finde, that the Clerikes of the Catholike Church, are ſo vexed, that they are oppreſſed with certaine Nominations or Suſceptions, which the common cuſtome requireth againſt the priuiledges granted to them.* Afterwards *Conſtantius* and *Conſtance* about the yeere thirtie ſixe from the granting of the firſt priuiledge, *Arbitio* and *Lollianus* being Conſuls, granted an other priuiledge to the Biſhops, that they ſhould not bee accuſed of any Crimes before ſecular Iudges [r]. But other perſons of the Eccleſiaſticall order, inferior to Biſhops, that is, Clerks and Monkes, continued vnto *Iuſtinianus* his time vnder the iuriſdiction of ciuill Magiſtrates; and for the ſame cauſe *Leo* and *Anthemius* Emperors, (about 60 yeeres before *Iuſtinianus* his Empire) ordained by way of fauour, *That Prieſts and Clerkes, of the orthodoxall Faith, of what degree ſoeuer, or Monkes in ciuill cauſes ſhould not be drawen by the ſentence of any Iudge greater or leſſe, out of the Prouince or place or Countrie, which they inhabite; but that they may anſwere the Actions of all men that haue cauſe of ſuite againſt them before their ordinarie Iudges, that is, the Gouernours of the Prouinces.* Behold how theſe being godly and catholike Princes, affirme that the ordinarie Iudges of the Clerkes and Monkes are the Preſidents of the Prouinces, whom notwithſtanding none of the Fathers or Biſhops of that age challenged that they were in the wrong, or that they did not ſpeake truly, holily, and orthodoxally. Wherby it is plaine, that they conceiued too peruerſly of *Iuſtinianus*, who affirmed that he vſurped any Iuriſdiction ouer the Laikes, wheras they are to giue him very great thanks, that he was the firſt of the Emperours, who exempted the Cleargie, (being before that time altogether ſubiect to ciuill Magiſtrates) from ſecular iudgement in ciuill Cauſes. Which things being thus, it is plaine enough, that ſecular Kings and Princes, are indued with ſoueraignepower temporall, and that the Cleargie is ſubiect vnto them in Ciuill

[r] *L. manſuetudinis 12. cod. sit.*

affaires. Otherwiſe truly, neither could Kings haue granted thoſe priuiledges: nor holy and wiſe men, would haue prouided ſo ill for themſelues and the whole Church, that being of themſelues abſolute and free, and looſe from the bands of temporall power, would ſuffer themſelues to be brought into Obligation for theſe manner of Courteſies and Priuiledges, for they plainly acknowledged that they were in their power and iuriſdiction, by whom they could be endowed with ſuch a manner of libertie, for that cannot be looſed and exempted, which was not bound or concluded before. Beſides, the Princes thorough out the world, were at that time of ſo great pietie and deuotion, that if they had either found out by themſelues, or vnderſtood by the Biſhops or Princes of the Prieſts, that by the law of God, the Clerikes were free from ſecular Iuriſdiction, they would forthwith haue prouided and enacted lawes and Edicts for the ſame, nor haue challenged any title or intereſt either to their perſons or goods. For if out of an only zeale of deuotion they gaue away ſo frankely and ſo profuſely, euen thoſe things which they conceiued to be their owne, how much more would they haue abſtained and held their hands from thoſe things which by no title or right were due vnto them.

Therefore the exemptions and priuiledges, which chriſtian Princes haue granted to Eccleſiaſtike perſons, for honor and reuerence vnto them, do ſufficiently declare, yea conuince, that thoſe Princes are greater then all Prieſts in temporall power, nor that the chiefe Biſhop and Prince of Prieſts, and euen the Vicar of Chriſt is exempted for other reaſon, and reputed as a priuiledged perſon, but that he is a temporall Prince alſo, and ſuſtaines a two fold perſon, the one of *Peters* ſucceſſion in the gouernment of the Church, the other of a ſecular Prince in a temporall iuriſdiction, which he hath receiued by the liberality of other Princes.

CHAP.

Chap. XVI.

BY the same reason may the difference be ouerthrowen manifestly, which he putteth between heathen Princes and Christian Princes, as far as concernes temporall Domination ouer Ecclesiastike persons: which place I cannot now passe by in silence without blam. For he saith that the [a] Bishop was subiect (*Ciuiliter & de facto*) to Heathen Princes: *Because Christian law depriues no man of his right and inheritance. Therefore as before the law of Christ men were subiect to Emperours and Kings, so also they were after. But when Princes became Christians, and of their accord receiued the lawes of the Gospell, presently they subiected themselues to the President of the Ecclesiastike Hierarchy, as sheepe to the Pastor and members to the head, and therefore afterwards ought to be iudged by him, and not to iudge him.*

[a] *Lib. 2. de Roman. Pontif. cap. 29.*

It is an exceeding great fault in disputing, to take those things which are enunciated of any one subiect, for a certaine cause: or are remoued from one subiect for a certaine cause, and to attribute or detract them to, or from another thing diuers and vnlike, and to which the same cause doth not agree: or indistinctly and confusedly to shuffle those things together in the conclusion, which ought to be seuered and parted by some distinction. Which fault who cannot plainely deprehend, in this former reasoning of *Bellarmine?* in which that is indefinitly and generally concluded of both the kindes of power and iudgement, which ought truly and rightly to haue beene enunciated of one of them alone.

For that Princes conuerted to Christ, *submit themselues as sheepe to the Pastor, and members to the head*, that cannot without wilfull cauill be vnderstood but of Spirituall subiection: since they were not made his children or sheepe in other respect, then for that they were by the same spirit regenerate in Iesu Christ, and gouerned by the faith of the Church. Therefore in all matters, which belong to spiritu-

all iurisdiction, it is true that they ought to be iudged by him, and not he by them. But this submission what is it to Ciuill iudgement and temporall iurisdiction? Was it fit to mingle and confound together matters of so diuerse and different kinds? And that which might truely be affirmed of one of them alone, to pronounce generally and indefinitly of them both? If he had said, *and therefore ought to be iudged of him in spirituall matters, but not to iudge him afterwards*, surely he had concluded his argument very well. But that same simply and absolutely, *ab illo eos iudicari posse*, is a vitious collection. For there is a twofould kinde of iudgement, whereof by the one onely Princes may be iudged by the Pope: but by the other, the Pope himselfe might be iudged by them, but that he had obtained a temporall gouernment which is subiect to none other.

I pray you tell me, when *Constantinus Magnus* came to the Church, did the Romane Empire, which before his Baptisme was his, did it by and by passe into the hands and power of *Siluester* the Pope? and the Emperour, who was a man that affected glory so much, did he acknowledge the temporall power of that Pope ouer him? Did either *Clodoueus* transfer the kingdome of *France*, or *Donaldus* of *Scotland*, or others their kingdomes into the temporall power and iurisdiction of the Pope, as soone as they had embraced the faith? That same caueat of *Paulus*, the Ciuilian is good: [b] *Aboue all things we must take heed, least a contract made in another matter, or with another person, hurt in another matter or another person.* Therefore let *Bellarmine* search as much as he list, the Annals and Records of all Nations, let him read through all Scriptures and Stories, he shall finde amongst them no one step, whereby it may be gathered, that those christian Princes, when they gaue their names to the Church, did submit their Scepters to the Pope, and did specially and by name abandon their soueraigne temporall Magistracie? But it must appeare that Princes wittingly and knowingly did descend and giue themselues into the dition and authoritie temporall of the

[b] *L. Si vnus 27. §. ante omnia. D. de pist.*

Pope

Pope; or we must confesse, that as much as concerned regall dignitie, they remained after Baptisme in the same power and condition, wherein they were before they receiued holy imitation of Christianitie, for as he witnesseth himselfe, *the law of Christ deprines no man of his right and peculiar fee.* But before they gaue their name to Christ, *of right and in fact,* as he saith, they exercised ciuill authoritie ouer the Pope, and might lawfully iudge him in temporall Cases: therefore they might likewise doe it lawfully after Baptisme. Which if it be so, it cannot be by any meanes, that they should be iudged by him in temporall matters, seeing it is impossible, that any man should bee superiour and inferiour in the same kind of authoritie, and in respect of one and the same thing. It is true that those christian Princes, for the reuerence they bare not onely to the Pope, but also to all other Bishops, yea and Priests also, did very seldome put that iudgement in practise: But this argues a want of will onely, and not of power also. Wherefore as a Consul or President when he yeelds himselfe to adoption, transferres none of those rights, which belong to him by his office, into the familie and power of his adoptiue father, neither can transferre them, but reserues them all entirely to himselfe; so Princes in the beginning hauing deliuered themselues into the spirituall adoption of the ecclesiastike Hierarchie, could by that act loose none of those things, which belonged to the right of a kingdome, and their publike ciuill estate: for that the nature of these powers is deuided, so as although being yoaked and coupled together they did very fitly and handsomely frame together in the same christian Common-wealth: yet neither of them as it is such, is subiect or master to the other, and neither doth necessarilie follow and accompanie the other, but each may be both obtained, and also lost or kept without the other.

But now because the learned *Bellarmine* is very much delighted with similitudes, and besides prooues this common opinion *de indirecta potestate temporali summi Pontifi-*

cis, by no teſtimonie either of Scriptures or of ancient Fathers: but onely by certaine reaſons fetched a *ſimili* (a very poore and weake foundation to build a demonſtration vpon) I thinke I ſhall not doe amiſſe, by a ſimilitude of much more fitneſſe to confirme alſo our opinion of this matter.

The ſonne of the familie, although he goe to warres, and beare publike office and charge, is by the law of God and man ſubiect to his Father, in whoſe ſacred houſhold power he is yet abiding [a]. And againe the father, who hath this power ouer his ſonne, is ſubiect to his ſonne as a magiſtrate, but by an other kind of power. For the one, as he is a Parent, challengeth authority ouer his ſonne, whereby he may correct, chaſtiſe, and puniſh him offending and committing any thing againſt the lawes of the family, or practiſing any thing againſt himſelfe, or otherwiſe doing that which is vnworthy and vnfitting a good ſonne, not by the right of a Magiſtrate, but, by the authority of his fatherly power; and not with euery kind of puniſhment, but only with certaine, which are allowed by the law. Therefore, if his ſonne deſerue ill, he may diſherit him, caſt him out of the houſe, depriue him of the right of the family and kindred, and chaſtiſe him with other domeſticall remedies [b]. But he can not diſanull his Magiſtracy, nor take from him his goods in the campe, nor condemne him by a publike iudgement; neither inflict any other mulct or paine due for his fault by the law, either directly, or indirectly, becauſe this courſe exceedeth the meaſure and iuriſdiction of a fatherly power: But the other, although a ſonne, and obliged by the fathers bond, yet as he is a Magiſtrate in publike authority, ruleth ouer his father, and in publike affaires, and euen in priuate (ſo be it they be not domeſticall) may command him as well as other Citizens [c]. *If there be a ſonne of a family, ſaith Vlpian, and beare an office, he may conſtraine his father in whoſe power he is, ſuſpectum dicentem hereditatem adire & reſtituere. From hence, if the ſonne of the family be Conſul, or Preſident, he may either*

[a] *Ephe. 6. Coloſſ. 3.*

[b] *L. 1. C. de patri poteſtat.*

[c] *L. ille a quo 13. infin. D. ad Sc. Treb.*

either be emancipated or giuen into adoption before himselfe [g]. For which cause the father is no lesse bound then if he were a stranger, not only to obey his sonne, being in office, but also to rise to him, and to honor him with all the respect and honor, which belongeth to the Magistrate [h].

[g] Lib 3. De adopt.

[h] Liu. lib. 24. val. Ma. lib. 7. ca 2. Plut in apoth Rom. Gell. lib. 2 ca. 2.

In the very same manner the Pope, who is the spirituall father of all Christians, by his fatherly Ecclesiastike power as the Vicar of Christ doth command Kings and Princes, as well as the rest of the faithfull: and in that respect, if Kings commit any thing against God or the Church, he may sharply chastise them with spirituall punishments, cast them out of the house and family of God, and disinherit them of the kingdome of heauen (most fearefull and terrible punishments for christian hearts to thinke on) because all these things are proper to his fatherly power spirituall. But neither can he take from them, temporall principality and domination, nor inflict ciuill punishments vpon them, because he hath obtained no ciuill and temporall iurisdiction ouer them, by which such manner of chastisement ought to be exercised: as also for that, the fatherly power spirituall, wherewith the Pope is furnished is very far diuided from the ciuill and temporall in ends, offices, and euen in persons also. For God as he hath committed spirituall power to the Pope and the other Priests, so also hath he giuen the ciuill by an euerlasting dispensation to the King and the Magistrates, which be vnder him. There is no power but of God. Rom. 13.

To this place belongs that ancient glosse, which the Cardinall of Cusa [k] writes that it was assured to the Canon. *Hadrianus Papa* 63. in which Canon it is deliuered, that the Pope with the whole Synod, granted to *Charles* the great, the honor of the Patriciate. For the glosse said that a Patrician was a father to the Pope in temporalities, as the Pope was his father in spiritualities. And the same Cardinall in the same booke speaking of the electers of the [l] Germane Emperors: *from whence the electors, saith he,*

[k] Lib. 3. de concord. catholi. ca. 3.

[l] Cap. 4.

he, who in the time of Henry the second were appointed by the common consent of all the Almans, and others who were subiect to the Empire, haue a radicall power from that common consent of all men, who might by the law of nature constitute an Emperor ouer them: not from the Bishop of Rome, who hath no authority to giue a King or Emperor to any Prouince in the world, without the consent of the same. The same Cardinall, being himselfe, both a great Diuine and Philosopher, addeth many other things in that place, by which he confirmes our distinction and declares, that Emperors and Kings are both ouer and vnder the Popes. And thus much touching the first reason of *Bellarmine*, and the arguments brought by him to prooue the same.

Chap. XVII.

THe second reason followes, which is concluded by two fould arguments. *The second reason*, saith he, *the Ecclesiastike Common-weale ought to be perfect, and in it selfe sufficient in order to her end. For such are all Common-weales, rightly founded: therefore ought shee to haue all power necessary to attaine her end. But the power to vse and to dispose of temporall matters, is necessary to this Spirituall end: because otherwise wicked Princes might with impunity nourish Heretikes, and ouerturne religion: therefore shee hath this power also. Againe, euery Common-wealth, because it ought to be perfect and sufficient in it selfe, may command another Common-wealth, which is not subiect to it, and constraine it to change the Gouernment, yea euen to depose hir Prince, and to appoint another, when it cannot otherwise defend it selfe, from hir iniuries: therefore much more may the Spirituall Common-weale command the Temporall Common-weale, being subiect to hir, and force it to change the Gouernment, and to depose the Princes and appoint others, seing she cannot otherwise maintaine hir Spirituall good.*

I answer, that heere are so many faults in this place, as it seemeth that the Author did either idlely and carelesly

transcribe

transcribe all this out of some other, or if it be all his owne, that he did not very well remember those things, which he had said before. For a little before, when as he laboured by another argument to prooue, that the Ciuill power is subiect to the Ecclesiastike, he affirmed that these powers were parts only of one Common-wealth, and that they did constitute only one Common-wealth. *The first reason,* saith he, *is thus: The Ciuill power is subiect to the Spirituall power, because each of them is a part of the same Christian Common-wealth.* And againe, *secondly Kings Bishops, and Clerikes and Laikes do not make two Common-wealthes but one.* But in this place he quite changes these two Powers into two Common-wealthes, which therefore ought to be so seuered and disioyned, as that Kings and Laikes doe make a Politike and Temporall Common-wealth: Bishops and Clerikes a Spirituall or Ecclesiastike: then which nothing could be spoken more absurdly or vnfitly for the present purpose. For either he speaketh in this place of an Ecclesiastike power, which is wholy seuered from the Ciuill power, as it was once in the time of the Apostles, and now is in those places, where Christians laie amongst Heathen and Infidels: in which case it is euident that the Power or Common-wealth Ecclesiastike, as he calles it, or the Prince and Hierarch thereof hath no authority at all, not so much as Spirituall ouer the Ciuill Prince: because he is not a child of the Church. [a] Or he speakes of the power Ecclesiastike ioyned with the Ciuill, as in a Christian Common-wealth, and then hee doth wrong to make hir two Common-wealthes, one Ecclesiastike and the other Politike, when as they be onely two powers of one Christian Common-wealth, and parts and members of one Church and Misticall body of Christ, as himselfe deliuered before. [a] 1. ad Corin. 5.

Further it is falsl which he assumes. That the power to vse & to dispose of temporall matters, is necessary to a spiritual end, &c. For the Prince of the Apostles himselfe openly teacheth, that he had no such manner of authority ouer the temporalities of Christians except those, which themselues

of their owne accord, did confer and offer to the Church,
[b] *Act. 5.* when he saith, [b] *Ananias, why hath Satan tempted thy heart, that thou shouldest lie to the holy Spirit, and defraud of the price of the field? Whilest it remained, did it not belong to thee, and being sould was it not in thy power?* If the Apostles had had power to dispose of the temporalties of Christians, *Peter* surely had not said, *Did it not?* &c. and when as *Ananias* might presently haue replied: yes, you had power to dispose of my goods, and therefore fearing least you would take from mee more then was cause, I concealed part of the price. But because the Church had not this power, therefore without cause did he lye to the holy Ghost. And how, if out of this foundation of *Bellarmine* it should follow, that the primitiue Church had not all necessarie power to attaine vnto her end? for, for the space of 300 yeeres and more, wherein she liued vnder heathen Princes, after the passion of Christ, she neuer had this power to dispose of Christians temporalties: in which time notwithstanding, it is most certaine, that an infinite multitude of men and almost the greatest part of the world, had giuen their names to Christ, and that a more seuere and strict discipline raigned in the Church, then at any time beside, that it is impious to say, that the Church was not then furnished with all necessarie meanes of Right and of Fact to attaine her end, *for the workes of God are perfect.* And surely he should doe Christ no small iniurie, who thinkes that the Church is by him left and deliuered to the Apostles, destitute of necessarie meanes for her preseruation. Whatsoeuer was necessarie for the Church to attaine her end, was abundantly and plentifully bestowed by Christ on his Apostles when he said: *Ego dabo vobis os, & sapientiam, cui non poterunt resistere, & contradicere omnes aduersarij vestri*[c]. Therfore, who-
[c] *Luk. 21.* soeuer conceiues that Christ recommended his Church to *Peter*, and willed him thrice to feede his Lambes and Sheepe, and supposeth that for the feeding of those sheepe, and to the accomplishing of the end of his commande-
[b] ment, he did not grant them all things necessarie both in

Right

Right and in Fact, hee ſeemes to me no better then an *Atheiſt*, and to doubt of the prouidence, power and goodneſſe of God. Let vs imagine that he did not giue all power neceſſarie for the execution of ſo great a charge; can any other reaſon why he did not, be aſſigned, then for becauſe either the Lord knew not what was needfull, or had no abilitie in him to giue it, or (which is a point of extreame malice,) he meant to deceiue his ſeruants and friends, by enioyning that dutie vnto them, which hee knew very well that they were neuer able to performe. By theſe things, it is cleare, that the temporall authoritie and power to depoſe Princes, is no way neceſſarie for the Church to attain her end: although in humane conſideration, it may ſeeme ſometimes to be profitable. For God, who *hath choſen the fooliſh things of the world, to confound the wiſe, and hath choſen the weake things of the world, to confound the ſtrong* [e], knowing that his Church only ſtood in need of ſpirituall armes, did ſo from the beginning furniſh her with them, that ſhe ouercame all humane power and might, ſo as it might be ſaid truly: *a Domino factum eſt illud & eſt mirabile in oculis noſtris* [f]. S. Bernard writeth excellently, (as hee doth alwaies,) to *Eugenius* the Pope [g]: *This is* Peter, *who was not at any time knowen to walke clad in ſilkes, or adorned with precious ſtones, not couered with gold, nor caried on a white ſteed, nor waited on with a guard of ſouldiers, nor compaſſed with troups of ſeruants attending on him: and yet he thought that without theſe, that wholeſome Commandement might be diſcharged* Si amas me, paſce oues meas: *heerein thou haſt ſucceeded not to* Peter *but to* Conſtantine. Therefore although the temporall power whereof we ſpeake, may ſeeme to men to be neceſſarie for the Church, yet to God it ſeemed neither neceſſarie, nor profitable, peraduenture for that reaſon, which the ſucceſſe of matters and experience it ſelfe hath taught the poſteritie, leaſt the Apoſtles and their ſucceſſors truſting on humane authoritie, ſhould more negligently intend ſpirituall matters, and ſhould chiefly place their hope in armes and in a temporall authoritie and

[e] 1. Cor. 1.

[f] Pſal. 117.

[g] *Lib.* 4. *c.* 3.

might, which they ought to settle in the power of the word of God and in his singular helpe. And indeed if a man would take a view in Storie of the state of the Church from the passion of Christ to this day, he shall see, altogether that she grew very soone, and flourished very long, vnder Bishops that were content with their owne authoritie, that is, with spirituall iurisdiction: who being the Disciples of the humilitie of Christ, iudged, that the onely strength to defend the Church, did consist in the power of preaching the Gospell, and the diligent obseruation of Ecclesiastike Discipline, without any mention of temporall power. And againe from the time that certaine Popes went about to annex and adioine a soueraigne temporall gouernment to that spiritual soueraigntie which they had, that the Church decaied euery day, both in the number of beleeuers, and behauiour and vertue of gouernours; and that same seueritie of the ancient discipline being either remitted, or to speake more truely, being omitted, that many Ministers of the Church discharged their places more slothfully and carelesly then before.

I omit that if these mens reasons were good it would follow by contraries: that the temporall common wealth, as they speake, hath power to dispose of spirituall matters, and to depose the soueraigne Prince of the Ecclesiastike common wealth: *because, It ought to be perfect and sufficient in it selfe, in order to her end, and to haue all power necessary to attaine to her end*: But the power to dispose of spirituall matters, and to depose the Prince Ecclesiastike is necessary to the temporall end, because otherwise wicked Ecclesiasticall Princes, may trouble the state and quiet of a temporall common wealth, and hinder the end of the ciuill gouernment, as indeed diuerse Popes haue been causes of much vnquietnesse. Therefore the temporall Common-wealth hath this power. The consecution is vtterly false and absurd, (for a temporall Prince, as he is such a one hath no spirituall power) and therefore the other is false too, to which this by analogie is a consequent.

But

But as we vse to speake, *dare absurdum non est soluere argumentum:* Therefore I doe answer otherwise to the former part of this second reason. That here be not two common weales as he supposeth, but one only, wherein there be two powers, or two Magistrates: the Ecclesiastike and the Politike, whereof each hath those things, which he doth of necessity require to attaine his end: the one his spirituall, the other his temporall iurisdiction: and that neither this iurisdiction is necessary to that power, nor that for this. Otherwise we must confesse, that each power is destitute of her necessary meanes, then when they were seuered, as sometimes they were: which I haue already shewed to be very false, as well out of the end of the temporall or ciuill gouernment, at it is such [b], as by the state of the Church, being established vnder heathen and infidell Princes [i]. According to this manner, in one and the same ciuill policie I meane, in one City or kingdome, many magistrates are found inuested with diuerse offices, power and authority, who gouerne the common weale committed to them in parts, euery one of whom receiueth from the King or common wealth necessary power to attaine the end of their charge, so as none of them may or dare, inuade and arrogate to themselues, the iurisdiction and rule of an other. If the Consuls want any part of the Tribunes power, or the Tribunes any of the Consular iurisdiction, it can not be said therefore, that both haue need of an others power to compasse their ends: for each office according to the ground of the first institution is perfect and furnished with all necessary authority for the execution of his charge.

[b] Sup. c. 14.

[i] Sum hoc capite.

Or to bring forth more known examples. As in one kingdome and vnder one King there are two great offices, whereof the one the Chancellor, the other the Constable hath by commission from the King, (the one hath νομοφυλακία and the speciall charge of the law and iustice, the other the managing of armes, and the gouernment of all military discipline committed to him,) and each of them

according to the quality and condition of his office is absolute, and receiueth from the King all authority neceſſary for the execution of his charge, and the compaſſing of his end. Neither, if peraduenture one of them either of negligence or iniury doe hinder the courſe of the other, may he that is ſo hindred by his proper authority diſanull his office, or vſurpe his iuriſdiction, or to be ſhort enforce him to amend his fault, but by lawfull meanes granted him by commiſſion from the King: but it is requiſite that each complaine to the King of others abuſe, of whom they haue receiued their authority ſo diſtinguiſhed in offices and function, that he may right him that is wronged and determine by his owne power and iudgement the diuiſion of the whole cauſe. Now ſo long as theſe officers doe agree in the kingdome, the one maintaines an others authority, and vſeth of his owne to ſupply that which is wanting in the other.

But if a Country-man, to auoid iudgement of law doe depart into the Campe to the Army, the aide of the Martiall at armes being required, he is wont to be ſent backe to the place, from whence he fled: and of the contrary, if one that forſakes his Coloures ſhall ſlip into the City, the City Magiſtrate being requeſted by the Magiſtrate at armes, will by and by ſee him conueighed to the Campe to be puniſhed for his miſdemeanour. But where they doe diſagree, they giue thoſe wounds to the Common-wealth, which the Prince onely can helpe and cure: becauſe it is not lawfull for them to vſe another mans authority, and is fitting for the one onely to meddle in matter of armes, and for the other with matter of iuſtice. In the ſame manner two ſoueraigne Magiſtrates of the Chriſtian Common-wealth, the King and the Pope, doe receiue from the common King and Lord of all, the great God of Heauen and Earth; a diuers power, each perfect in his kind, and gouerne the people by different iuriſdictions and offices. And theſe ſurely, ſo long as they agree together in concord of mindes, doe naturally aſſiſt one another, to the maintenance and

conſeruation

conſeruation of each power and authority, ſo as both the Eccleſiaſtike power, doth with the Heauenly and Spiritual ſword, ſtrike ſuch as be ſeditious and rebellious ſubiects to their ſecular Prince, and in requitall the power Temporall and Politike doth with an armed hand, purſue Schiſmatikes, and others falling from the faith, or otherwiſe carying themſelues ſtubbornly toward their holy Mother the Church, and doth ſharply chaſtice them with temporall puniſhments and ciuil corrections: and Mulctes. But when they are rent into contrary factions, and oppoſe themſelues one againſt the other, the whole Chriſtian Common-wealth either wholly fales to ground, or at leaſt is moſt greeuouſly wounded: becauſe there is none but God alone, who can lawfully deuide that cauſe, and redreſſe the wrong offred of either ſide.

Chap. XVIII.

BEing deſirous to paſſe on to other matters, I was a little ſtaide, by a doubt which did ariſe touching the ſenſe of the late argument of the ſecond reaſon, which was conceiued by the author in theſe words. [a] *Alſo euery Common-weale, becauſe ſhee ought to be perfect and ſufficient in hirſelfe, may command another Commen-wealth, not ſubiect to hir, and inforce hir to change her gouernment, yea alſo to depoſe hir Prince, and to ordaine another, being ſhee cannot otherwiſe defend hirſelfe from hir iniuries.* For to confeſſe the truth, when I firſt read theſe words in him, I pauſed awhile, that I might throughly vnderſtand the meaning of theſe words, and what the moment and waight of this argument might be. For he ſeemed not plainly and expreſly to approue it, becauſe he did lay open to vs certaine meanes of forceing a Neighbour Common-wealth, and depoſing the Prince thereof. And when I had a long time skanned and examined the ſame, I reſolued that either it was a riddle, or that his words doe admit this ſence and interpretation. Euery Common-weale may denounce and wage a iuſt war againſt

[a] *Cap. proximo ſum.*

another Common-wealth, which beares both hatred and armes against her, when as she cannot otherwise deliuer hir selfe from hir iniurie, and if shee be the stronger may by force and armes force hir to conditions of peace: and if she suppose that by that Caution shee hath not yet prouided sufficiently for hir security (because peraduenture shee hath to do with a people that is by nature false and treacherous) may reduce the whole Country into her power and iurisdiction, and giue her lawes and orders, remooue hir Prince, take away hir authority, and at hir pleasure alter the whole administration of the Common-wealth into another form. But if this be the true sense of these words, as I suppose it is, that argument surely was to small purpose brought of *Bellarmine*, for that is not gathered from hence, which he concludes forsooth. *Much more may the Spirituall Common-wealth, command the Temporall Common-wealth, being subiect vnto hir, and force hir to change hir administration, and to depose Princes, and ordaine others, &c.* Because in this case there be not two Common-wealthes, but onely one Christian, resting on two powers, whereof neither is subiect to other, as we haue aboue sufficiently demonstrated: as also, for that if we grant, that they are two Common-wealthes distinct, the Ecclesiasticall or Spirituall, and the Temporall, he must of force confesse, that in the one all Bishops and Clerikes only are compriſed, in the other all secular Princes and Laikes; or that this is compounded of onely Ecclesiastikes, that of onely Laikes. For although the Laikes and Clerikes together, doe constitute one Church and one christian Common-weale, yet they doe not make together one Ecclesiastike and spiritual Common-wealth, as it is distinguished from the temporall: nor one temporall and secular Common-wealth, but according to the diuision and separation aboue named, the Laikes make the temporall, and the Ecclesiastikes the spirituall: in the case wherein the temporall is distinguished from the spirituall after this manner. But now seeing the Ecclesiastike common-wealth, containes onely Clerikes, whose weapons ought

to

to be none other, but Praiers and Teares, how can it be, that she being weake and vnarmed can compell (but by Miracle) a temporall Common-weale armed, to change the manner of her administration?

Therefore there is nothing more fond then this comparison and consequution of *Bellarmine*, since in reasoning he proceeds: from Common-wealthes well prouided for exercise and furniture of armes, to Common-wealthes, the one whereof is vtterly disfurnished of armes. For as oft as one State either repelleth the iniuries, which another would offer, or reuengeth them, being offered, she fighteth with those armes, which are allowed her, and which by law of armes she may vse: that is to say, Corporall and Visible, by force whereof she ouerturnes the bodies of her enemies, inuades their holds, battereth townes, and ouerthrowes the whole state of the enemie Common-wealth. But the spirituall Common-weale, which he calles, is quite destitute of this kind of armes, and because it is composed of Clerikes onely, it is lawfull for her, to fight with spirituall armes onely, which are, Prayers and Teares, *for such are the defences of Priests: in no other manner neither ought they, neither can they resist* [b]. For all of them are commanded in the person of *Peter* to put vp the Materiall sword. How then can the spirituall Common-wealth constraine the temporall Common-wealth, which contemnes the spirituall thunder-boltes, that she should change the manner and forme of her *Administration or depose her Prince, and ordaine another?* Now if any peraduenture doe propound, that the Ecclesiastike Common-wealth should bee assisted in the execution of so great a matter, by the humane forces of secular men, (for Princes and all other Christians ought to be Nurses and defenders of the Church) he will be answered out of hand, that in that case the Ecclesiastike Common-wealth, doth not constraine the temporall common-weale, but is onely the Cause, wherefore an other State temporall, by whose helpe that spirituall one is defended and protected, doth reuenge the wrong done vnto

[b] *Can. nonpila. can. conuenior. 23. q 8.*

the Church. In no other manner than if the whole Common-wealth ſhould reuenge an iniurie or a ſlaughter receiued in the perſon of one Citizen. Euen as it is recorded, that the reſt of the Tribes of *Iſraell*, did wage a bitter and a grieuous warre againſt the *Beniamites*, for rauiſhing the wife of one *Leuite* [a]. So the *Græcians* in times paſt reuenged *Menelaus* his iniurie, with the ruine of *Troy*. And the *Romanes* puniſhed with a ſharpe warre, *Teuca*, Queene of the *Illyrians*, for the murder executed on *L. Coruncanus*; forced the Queene to depart out of *Illiricum*, and to pay a great yeerely tribute [b]. Will any man heere ſay, that the *Beniamites*, *Troianes*, *Illyrians*, were vanquiſhed and repreſſed by the *Leuite*, *Menelaus* or *Coruncanus*, now dead, and not rather by them who for their ſakes tooke armes and puniſhed the enemies? In like manner will any ſay, it is the eccleſiaſtike Common-wealth, which bridles and reduceth into order, the temporall, playing vpon them with much iniurious and inſolent demeanour: and not rather an other temporall ſtate, which enters in armes for the ſake of the Eccleſiaſtike republique; and without whoſe helpe, the Church her ſelfe and all her Orders would lie troden and trampled vnder foote? What if there bee no temporall ſtate, which will or dare conteſt with this ſtate which is enemie to the Eccleſiaſtike common-wealth? by what meanes then will ſhe reuenge her ſelfe? To vſe few wordes: although we grant them their compariſon and concluſion, there can nothing bee made of it, but that the Pope hath ſuch a power to diſpoſe of temporall matters of Chriſtians, and to depoſe Princes, as either the King of *France* is knowen to haue ouer the *Engliſh*, *Spaniards*, or other neighbour people, who doe him wrong, or any of theſe vpon the State and Kings of *France*, if they haue offended them, which power in what manner, and of what proportion it is, can onely be determined and decided by the ſword.

[a] *Iud. cap. pen. & vlt.*

[b] *Polyb. l. 2.*

CHAP.

Chap. XIX.

THese although they may ſuffice for the refuting of the ſecond reaſon, yet leaſt in theſe writings of this moſt learned man, I ſhould paſſe ouer any thing, which becauſe it is either vntouched, or negligently handled, might beget any error, or caſt any ſcruple into the Reader, it is a matter worth the paines to examine and ſift, what that might be which for the ſtrengthning of his reaſon he brings out of *S. Bernard*, in the bookes *de Conſid. ad Eugen*[a]. Bernard indeed aduiſeth that the materiall ſword is to be exerciſed by the ſouldiers hand at the becke of the Prieſt and commandement of the Emperour, which we ſurely confeſſe, for warres both are vndertaken more iuſtly, and diſcharged more happily, when the Eccleſiaſticall holines doth agree & conſpire with kingly authoritie. But we muſt note, he attributeth only to the Prieſt a Becke, that is, the conſent and deſire to wage warre; but to the Emperour the commandement and authoritie. Whereby it is euident, that hee ſpeaketh in no other reſpect, that the Materiall ſword belongeth to the Church, then for that in a Chriſtian eſtate, although the authoritie and command for warre be in the power of Emperours, Kings and Princes, yet warres are with more iuſtice waged, where the conſent of the Eccleſiaſtike power comes in, which being guided by the ſpirit of God, can more ſharpely and truly iudge between right and wrong, godly, or vngodly. But what if the Emperour will not draw his ſword at the becke of the Prieſt? nay what if he ſhall draw it againſt the Prieſts beck and aſſent? doth *S. Bernard* in this caſe giue to the Prieſt any temporall power ouer the Emperour? (for this is it which we ſeeke in this place, and whereon our whole diſputation turneth) ſurely none at all. But he rather teacheth, that none belongeth to him, whenas he ſaith, that the Materiall ſword, (by which ſword the ſoueraigne power temporall is ſignified) may not bee exerciſed by the Church:

[a] Lib. 4. c. 3.

but onely by the hand of the ſouldier, and commandement of the Emperour. Which ſame point *Gratianus* deliuers more plainly, being almoſt *S. Bernards* equall. [b] *When Peter*, ſaith he, *who was firſt of all the Apoſtles choſen by the Lord, did vſe the materiall ſword, that he might defend his Maſter from the iniurie of the Iewes, he heard*, Turne thy ſword into the ſcabbard, for euery one, who takes the ſword, ſhall periſh by the ſword, *as if it had beene told him openly: Hitherto it was lawfull for the and thy Predeceſſors to proſequute the enemies of God with the temporall ſword: heereafter for an example of* Patience *turne thy ſword, that is, hitherto granted to thee, into the ſcabbard: and yet exerciſe the ſpirituall ſword which is the word of God, in the kiling of thy former life, for euery one beſides him or his authoritie, who vſeth lawfull power, who as the Apoſtle ſaith,* [d] beareth not the ſword without cauſe, to whom alſo euery ſoule ought to be ſubiect: *I ſay euery one, who without ſuch a warrant receiueth the ſword, ſhall periſh by the ſword.*

[b] *Imperium D. de iuriſd Paul. ca. 13. ad Rom.*
[c] *23. q. 8. in prin.*
[d] Rom. 13.

If theſe of *Bernard* and *Gratian* bee true, it can by no meanes be, that the Pope ſhould with any right exerciſe temporall power vpon the Emperour, or other ſecular Princes: for it cannot be exerciſed but by the ſword, and the ſword cannot be by the ſouldier drawen, but by their commandement: and ſo this temporall power, would prooue vtterly vaine and vnprofitable in the perſon of the Pope, when as the execution thereof ſhould bee denied him. Vnleſſe ſome Emperour perchance ſhould be beſotted with ſo fatall a fatuitie, that he would command the ſouldiers to beare armes againſt himſelfe; or ſhould be indued with ſo great ſanctitie and iuſtice, that he doe by his edict ſignifie that they ſhould not ſpare himſelfe if hee ſhould offend. Hithertobelongs that, which *S. Ambroſe* writeth, [e] *The law* ſaith he, *forbiddeth not to ſtrike, and therefore peraduenture Chriſt ſaid to* Peter, *offering two ſwordes*, It is enough, *as though it were lawfull vntill the Goſpell, that there might be in the Law an inſtruction of equitie, in the Goſpell perfection of goodneſſe.*

[e] *Lib. 10. comment. in Euan. Luca.*

Beſides

Beſides we muſt vnderſtand, that that place of the Goſpell, touching two ſwords, which they obiect vnto vs, is not neceſſarily to be vnderſtood of the Temporall and Spirituall ſwords, yea that it is far more agreeable to the ſpeech of our Sauior in that place, that it ſhould be vnderſtood of the Spirituall ſword, and the ſword of the Paſſion: as *Amb.* expoundeth it learnedly and holily in that place. For Chriſt in that laſt ſpeech with the Diſciples before his Paſſion, admoniſhed them, that they ſhould be ſent to preach the Goſpell, of a few other manner of conditions after his death came they ſhould receiue this commandement, *Euntes in Mundum vniuerſum prædicate Euangelium vniuerſæ Creaturæ*: then before they had beene ſent by him, when as yet he liued with them in the earth: as if he had ſaid, hitherto I haue ſo ſent you as you haue needed neither bagge, nor girdle, nor ſhooes, but heereafter I will ſend you to preach the Goſpell: and you will haue neede of a bagge and a ſcrip, to wit of Care and Patience: and alſo of the two ſwords, the Spirituall and that of the Paſſion, whereof it is ſaid. [h] *A ſword ſhall pierce thy ſoule, for there is a Spirituall ſword*, (ſaith *Ambroſe* in that place) *that thou ſhouldeſt ſell thy patrimony, purchaſe the word whereby the naked inward reines of the ſoule are cloathed and furniſhed. There is alſo a ſword of the Paſſion, that thou put of thy body, that with the caſt cloathes of thy fleſh ſacrifiſed, thou maieſt buy a crowne of Martyrdome, which thou maieſt gather out of the bleſſings of the Lord, who preached that it was the ſumme of all Crownes, if a man ſuffer perſecution for righteouſneſſe. Laſtly, that you may know of what paſſion he ſpake, leaſt he ſhould trouble the mindes of his Diſciples, he brought foorth the example touching himſelfe, ſaying: Becauſe as yet, that which is written ought to be fulfilled in me: that he was reputed with the iniuſt.* [i] Thus he, To which I will at laſt adioyne, that *Bellarmine* himſelfe, in the bookes, *de ſummo Pontifice*, [k] prooueth that it is not the meaning of that place of the Goſpell, that it ſhould be vnderſtood of the Spirituall and Temporall ſword. *I anſwered*, ſaith he, *that no mention is made in that place of the*

[f] *Luc. 22.*
[g] *Marc. 16.*
[h] *Luc. 2.*
[i] *Iſaia 53.*
[k] *Lib. 5. cap. 3.*

Gospell, of the Spirituall and Temporall sword of the Pope, but onely that by those words the Lord would admonish his Disciples that in the time of his passion they should be in those straightes, and in that feare, wherein they are wont to be, who are glad to sell their coate to buy them a sword withall. Whereupon hee affirmeth, that *S. Bernard*, and Pope *Boniface* the viij. did mystically onely interpret this place of the two swords.

Which seeing it is so, and that it is certaine both by the interpretation of the Fathers, and also by the confession of *Bellarmine* himselfe, that the words of our Sauiour, are not truely, properly, and strictly to be taken of those swords, (about which all our swords are drawen, and we together by the eares) surely then that speech of *Bernard* is very wrongfully alleadged, to prooue that the Pope in any case hath Temporal power ouer Christian Princes, or that the Temporall sword is vnder the Spirituall sword; the which neither *S. Bernard* saith there, neither could so say without wresting and peruerting the place. Therefore although we grant neuer so much, that the place is to be vnderstood mystically of the Spirituall and Temporall sword, yet that exposition of *Bernards* will onely worke thus much, that we may vnderstand, that Christian Kings and Princes, ought to wage warre for the Church, by the Counsell of the Church or of the Pope. Which no sober man will euer deny. And so Christ (if in this manner we vnderstand his words mystically) two swords being shewed said, *Satis est.* not to signifie that one sword should be subiect to the other: or that both of them should be in the hand of the Pope and the Priests, (for that exposition is faulty, and is repugnant both to right reason, and also to the doctrine of the ancient Fathers, wherein it is taught that Kings and Emperours, haue God onely for their superiour in temporalities) but to admonish vs, that there should be at the last in the Christian Common-wealth a meeting and concourse of both the swords, Spirituall and Temporall, when Princes should be conuerted to the faith, and that by them two, the Church should be euery way protected

cted and defended from iniury.

But becauſe we are fallen into this notable place of *S. Bernard*, I would wiſh the reader by the way, diligently to conſider with me, that which I know not, whether any hath obſerued heretofore. What is the reaſon that he, writing to *Eugenius* the Pope of the temporall ſword, firſt ſaith, *tuo forſitan nutu, etſi non tua manu euaginandus*. Then a few lines after, doth adde, that the ſame ſword is to be vſed *nutu ſacerdotis*: and addes not *forſitan*? Doth that ſame, *forſitan*, either abound in the former ſentence, or faile in the latter: The truth is, that the godly and wiſe man did it of purpoſe: that he might with ſome fineneſſe diſtinguiſh the perſon of the Pope, from the pontificall or ſacerdotall authority and office, and teach, that it importeth very much, whether the Pope or *Eugenius*, although both Pope and *Eugenius* were the ſame, doe bid or forbid any thing. I meane whether the Pope, as a man obnoxious to the perturbations of the mind, would haue the ſword drawen, not for the Church according to the duty of his function: but by the inſtigation of a corrupt affection: or as a Prieſt, that is, a good and holy man, doe command or refuſe that the ſword ſhould be drawen and war waged, ſeruing not his owne turne, but the profit of the Church. As if he ſhould ſay ô *Eugenius*, cheefe Biſhop, the temporall ſword is not abſolutely and ſimply to be drawen at thy commandement, but peraduenture; euen then, when as for the euident commodity of the Church, you ſhall aduiſe them with wiſe and ſound counſell who haue the ſword in their power: but not then, when as out of the deſire you haue, either to practiſe ancient enmity with any, or to powre out any new conceiued hatred, or to ſatiſfie any ambitious deſire to rule, you ſhall purpoſe to ſet chriſtian K[illegible]gs, and people by the eares, or to wage and bring any war vpon them. *For that is a point of a Prieſt, this of a Man.* For that is a meditation and action of a Prieſt, this of a man; that of a Biſhop, this of *Eugenius*, or ſome other that holds the Biſhops ſea. That this was *S. Bernards* meaning

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in thoſe words, the actions of certaine Biſhops who haue beene beyond meaſure tranſported with anger and pride, haue plainly declared. But let vs returne to our purpoſe.

CHAP. XX.

THe third reaſon in *Bellarmine* is: *It is not lawfull for Chriſtians to tolerate a King that is an infidell or an heretike, if he endeauour to draw his ſubiects to hereſie or infidelity: But to iudge whether a King doe draw to hereſie or no, belongs to the Pope, to whom the charge of religion is committed:* Ergo, *It belongs to the Pope to iudge, that a King is to be depoſed or not to be depoſed.* And he labours to prooue the propoſition of this reaſon by three arguments.

Therefore I anſwer to that: That he ſaith, *that it is not lawfull for chriſtians to tolerate a King that is an heretike or an infidell, &c.* that this propoſition is as falſe as falſe may be: Otherwiſe all antiquity is to be condemned, which did beare with great ſubmiſſion and patience, Kings hereticall and infidels, who went about to deſtroy the Church of God; *Non ſolum propter iram ſed propter conſcientiam*; that is, not for that they wanted ſtrength to enforce wicked princes, but for that they iudged that they might not by the law of God. But becauſe we haue in our books againſt the Monarchomachi[a], and alſo aboue in this booke[b], we haue ſufficiently refuted this moſt hurtfull and miſchieuous error, there is no cauſe why we ſhould dwell any longer in conuincing the falſhood thereof. It only remaineth that we doe briefly ſhew the faults of the arguments, wherewith he endeuours to prooue his falſe propoſition.

[a] *Lib. 3. ca. 6. 7. 8. 9 & ſeq & lib. 1. ca. 5. & 6.*

[b] *Cap. 7.*

The firſt argument he fetches out of *Deuteronomie*; [c] where the people is forbidden to chuſe a King, which is not of his brethren, that is, who is not a Iew, leaſt he draw them to idolatry: therefore alſo Chriſtians, are forbidden to chuſe one that is no chriſtian. Grant all this be true. Then from theſe parts thus granted he proceeds in this manner.

[c] *Cap. 17.*

Againe:

Againe: *It is equally dangerous and hurtfull to chuſe one that is not a Chriſtian, & not to depoſe a non Chriſtian: as it is known.* Ergo, *Chriſtians are bound not to ſuffer ouer them a King not Chriſtian, if he endeuour to turne the people from the faith.*

I anſwer, that this conſequence is not good, and that by ſuch vitious and deceitfull manner of arguing many are turned from the truth. Now the fallacy is in this, that he determines and aſſumes for certaine that there is law, whereſoeuer the ſame hurt or danger is; which I ſhall prooue preſently to be moſt falſe. Neither is it like that, which the ciuilians deliuer, *vbi eadem ratio eſt, ius idem eſſe debet* [d]. Therefore we muſt obſerue, that he doth not ſaie, *eiuſdem peccati eſſe, eligere non Chriſtianum & non deponere non Chriſtianum*: that it is as faulty or vnlawfull, &c. which if he had ſaid I had denied the antecedent: but he ſaith *eiuſdem periculi & damni eſſe*, that it is as hurtful and dangerous &c. whence he doth falſly gather that Chriſtians are bound not to ſuffer ouer them a King that is no Chriſtian. For it followeth not, where the ſame harme and danger is, that the ſame power to doe any thing is granted to the party who is damnified or endangered, nor where equall harme and danger is, there alſo is equall ſinne or merit; and this may be eaſily prooued by examples. He that receiues wounds, or is ſpoiled of his goods, ſuffers the ſame danger and miſcheefe, whether it be by force from a robber, or a wandring ſouldier, or that he be oppreſſed of a Magiſtrate by an vniuſt ſentence. But the ſame remedy is not prouided againſt both theſe, to run vpon a robber, and to kill him, in defenſe of himſelfe and his goods, it is very lawfull [e], reſeruing as they ſay, the moderation of the defenſiue reſiſtance, that it be without blame. But it is not likewiſe lawfull to reſiſt a Magiſtrate, who according to the power of his iuriſdiction had paſſed an vniuſt ſentence againſt him, by reaſon of the authority which iudgements and matters iudged vſe to haue. Marke I pray you, although in both reſpects, there be the like harme and loſſe

[d] *L. illud 32 D ad leg. Aquil.*

[e] *L. vi vim D. de iuſt. & iur. c. 2. de homicid. L. 2. C. quando liceat vnuiq;.*

to him that is ſpoiled, yet the ſame law is not of force in both places. Againe it is a matter of the ſame danger and hurt, deliberately to enter into a ſhip, whoſe keele you know to be ſhaken and hath ſprung a leake: and to enter into that, which you take to be ſound, when as indeed ſhe is rotten and full of leakes. I ſay it is a matter equally dangerous, not equally vnlawfull. In the firſt caſe, you tempt God, and procure to your ſelfe your owne death: but in the later, if you haue vſed all poſſible diligence, you doe not offend, if ignorantly you commit your ſelfe to ſuch a ſhip. So it is a matter of the ſame danger and hurt, to mary a woman for her wealth or beauty, which you know to be of an vnquiet, and a ſhrewiſh diſpoſition: and by chance to light vpon one, which you doe not know to be ſuch a one. And yet he that caſts himſelf into ſo manifeſt a danger ſeemeth greatly to offend, who in the ſhaping of the courſe of his life, doth tempt God. But he, that being ignorant of his fortune, and of the morosity and ſharpneſſe of the woman, ſhall mary her, not only committeth nothing againſt God, but by his daily troubles and miſeries, if he beare them with a ſtrong and patient minde, doth pleaſe him as it were by a certaine kind of martirdome. I might produce many examples of this kind, to conuince the captiouſneſſe of this argument of *Bellarmines*. Therefore as it followeth not, if he that knowes a woman to be extreamly wicked, and ſo froward, that there is no hope to liue with her in peace and quietneſſe, ought not to take her to wife, (becauſe by that act, he doth caſt himſelfe into euident danger) that he alſo who caſually and vnwittingly hath light of ſuch a one, ought to forſake or refuſe her, notwithſtanding the bond of matrimony, although it be a matter of the ſame danger and hurt, if he keepe her. In like manner it followeth not, if Chriſtians be bound not to chuſe a King who is no Chriſtian, or an heretike, that they are bound alſo, not to endure him being now choſen, becauſe many things hinder a buſineſſe which is to be done,

done, which doe not dissolue the same being done, as we haue other where shewed at large. And this is sufficient to weaken the force of this argument.

Chap. XXI.

BVt yet I am constrayned to stay heere a little longer, that I may further discouer and represse another errour, which he adioynes as a Complement to his former reason for to confirme that which he said. *That Christians are bound not to suffer ouer them a King, that is no Christian, &c.* And because he would haue none to doubt of this proposition, because in times past Christians did both tolerat, and honour many Princes, euen because they were Princes, without any scruple of conscience, which were partly Heathen, partly Heretikes, that I say he might preuent with some solution this so strong an obiection and so peremptory against his former positiō, he presently adioyneth these words. *Now if Christians in times past did not depose Nero, and* Diocletianus *and* Iulianus *the Apostate, and* Valens *the Arian, and such like, it was because the Christians wanted temporall strength. For that otherwise they might iustly haue done it, appeareth by the Apostle, 1. Cor. 6. where hee commands that new Iudges in Temporall causes, should be set ouer the Christians, least the Christians should be enforced to bring their causes, and debate them before a Iudge, that was a persecutor of Christ. For as new Iudges might be appointed, so also might new Princes and Kings haue beene, for the same cause if they had had strength sufficient for such an enterprise.*

Heere be many things, worthy to be reprehended, and which I doe much maruell, that a man so learned, and trained in authors both sacred and prophane, would euer commit to writing. For first he saith, that the want of strength was the cause, why Christians in times past did not depose *Nero, Diocletian, Iulian, Valens* and the like, we haue sufficiently declared to be most false, by cleere and vndoubted

testimonies in our bookes[a] *De regno*, and also aboue in this booke, and will foorth with demonstrate, euen out of the Principles laid and granted by himselfe. Secondly there is nothing more fond, nor more vnreasonable, yea, that I may speake it without offence of so great a man, nothing more abusiue and deceitful then to alledge the authority of *S. Paul* for to giue grace and credit to his false proposition, in whose writings there is not so much as one word, which without wilfull misconstruction and cauill can be applied either to the letter, as they say, or by figure and by interpretation, to the confirming of such a position. And indeed, that I may speake freely, they doe with two much liberty of interpretation abuse *S. Pauls* doctrine, who out of that first Epistle of his to the Corinthians, doe collect that it was lawfull for Christians to depose Ethnike or Heretike Princes, and to ordaine other in their places. Indeed the Apostle doth very sharply in that place rebuke the Christians, for that they vexed one another with sutes, & had no iudgment among them at all: And also for that they drew one another to the Benches of Ethnike and infidell Iudges, to whom euery Christian name was hatefull. And yet he did this not that he would teach them or signifie to them by this reproofe, that Ethnike Magistrates had no iurisdiction ouer Christians, or that the Christians might by any deuice bring to passe that Ethnikes should carry no politike dominion ouer them: But that he might shew, that it was a matter vnworthy the religion and profession of a Christian, that they who were newly regenerate in Christ, and were called into his fellowship, had rather to maintaine Lawsutes and questions before Infidell Iudges, then to pacifie and compose their businesse and controuersies begun amongst them, by the iudgement and arbitration of the Brethren, which is, of the Christians.

[a] *Lib. 4 cap. 5. & lib. 3. cap. 30. cum seqq.*

Therefore the Apostle doth not by this speech disanull the authoritie of the Heathen, neither signifieth that the Christians may make defection from them: but onely misliketh

miſliketh and reproueth the peeuiſhneſſe and ſtiffeneſſe of certaine Chriſtians, that whereas they had brethren, that is, men of the ſame religion with them, who being by common conſent appointed Arbitratours, might with a louing and friendly affection iuſtly and wiſely diſceptate and order their cauſes within their domeſtike and priuate walles, not being contented with theſe, would contentiouſly appeale to the great ſcandall of religion, to ſuch Iudges as were both without faith and iuſtice. Whence S. *Thomas* vpon that place ſaith, *But it ſeemeth to bee otherwiſe, which is ſaid,* 1. Pet. 1. *Be yee ſubiect to euery humane Creature for God, either to the King as the ſoueraigne, or Lieutenants ſent as it were from him, for it appertaines to the authoritie of the Prince to iudge of his ſubiects. Therefore it is againſt the law of God, to forbid that his iudgement ſhould be obeyed, if he be an Infidell. But we muſt ſay, that the Apoſtle forbiddeth not, but that the faithfull being placed vnder infidell Princes, may make their appearance before them, if they be ſummoned, for this were againſt the ſubiection, which is due to Princes, but he forbids them that they ſhould not be ſo forward to runne to the iudgement ſeates of Infidels.* Vpon the ſelfe ſame place *Theoderet* & *Hierome* do almoſt write the ſelfe ſame things. *The Apoſtle* (ſaith he) *doth not heere forbid the faithfull, liuing vnder vnfaithfull Princes, to appeare before them, when they are ſummoned, for this were againſt the ſubiection which is due to Princes, but forbids their haſtie and voluntarie running to infidell Iudges, in thoſe buſineſſes, which may be determined by the faithfull.*

Therefore the Apoſtle in that place commands nothing, which may either take away or diminiſh the iuriſdiction and authoritie of infidell Iudges ouer Chriſtians, or any way giue preiudice to the ſame: yea he could not iuſtly command any thing againſt that ſubiection, ſince it is of the law of Nature, being confirmed by God his authoritie, as by S. *Ambroſe* his witneſſe, the Apoſtle himſelfe teacheth other where[t]. Therefore this conſtitution

[t] Rom. 13.

of Iudges, whereof we speake, did by no meanes exempt Christians, from the subiection and iurisdiction of Ethnike Magistrates, but onely tooke from them the necessitie of appealing to them, when as they should haue Iudges constituted by common consent among themselues, by whose arbitrations the questions that rise among them might be composed. Now indeed these Iudges were no better then Vmpires without authoritie, without power to draw any person before them, exercising onely a voluntarie iurisdiction; and therefore if either a crosse and ouerthwart Christian, or any Ethnike had called a Christian before an infidell Iudge: this authoritie of these Christian Iudges had nothing availed him that was thus called, but that he must needs present himselfe before the heathen bench: nay he were in conscience bound to present himselfe, by reason of the subiection, which we owe our superiours by the law of Nature.

Moreouer if a man doe looke more wishly on that place of the Apostle, he shal obserue that in that place the Apostle takes paines to instruct their Christian mindes to Euangelicall perfection, which is a matter rather of counsell then of precept, seeing he exhorts them that they would rather take wrong, and suffer losse, then so to canuase sutes among themselues. According to that of our Sauiour. [t] *If any man shall strike the one the right cheeke, hold him thy other, and he that will goe to law with thee, and take away thy coate, let him haue thy cloake also.* And so the Fathers of the Church, *Ambrose, Primasius, Theodoret*, and all the rest vnderstood that place, for that he saith. *Now surely, there is altogether a fault amongst you, that you haue iudgements amongst you, why do you not rather suffer losse?* That, vnlesse it be vnderstood of the preseruation of life, or of the most perfect state of life, cannot possibly be admitted, seeing it is a plaine case amongst all men, that they doe not offend, who being oppressed with iniuries and contumelies, desire to be releeued and succoured by the Iudge. Therefore S.

[t] *Matth.* 5.

Paul

Paul in that place, doth like a good father of many children, who worthily rebukes his children, that fall out among themselues, both for that by dissentions and iarrings they violate brotherly loue, as also for that they had not beene more willing, to end and determine the controuersie which did arise among them rather by the aduise of the brethren, then wrap them in the noise and tumults of Iudiciall courtes, and decide them by the verdict of strangers.

Seeing these things are thus, good God what a miserable blindnesse and ignorance is this, or indeed a wilful craft and cunning, to seeke to gather out of those words of *Paul*, that it had beene lawfull for the Christians to depose all Ethnike Emperours or Magistrates, if they had had strength and power to effect the same? Seeing especially that the Apostle doth other where command all Christians of necessity to be subiect to those Ethnike powers *non solum propter iram*, least if they should practise defection, they should suffer punishment from these Magistrates whose displeasure the had incurred: *sed etiam propter conscientiam*, for because they could not with a sound and safe conscience withdraw themselues from their obedience and subiection, which is the ordinance of God, or resist and withstand the same. For this is of necessity to be subiect for conscience sake, or *propter Deum*, for God as *S. Peter* commandeth. [b] Moreouer the first Christians after the Apostles, did ingenuously confesse, that the Emperour, although hee were a Heathen and a Persecuter of the faith, yet was ordained of God, and was inferour to God alone. [i] Therefore if Christians for conscience had need to obey those Heathen Magistrates, is it not plaine that they contained themselues from all practise of rebellion and defection, not because they could not, but becaue they lawfully might not? Or if the Emperour were inferiour to God only, and the lesse could not depose the greater, how could the Christian subiects depose him? What doth either the

[g] *Rom. 13.*

[b] *1. Peter 2.*

[i] *Tertull. ad Scapul. & in Apologet.*

Apoſtle fight with himſelfe, or doth *Peter* teach one thing and *Paul* another? Or euen thoſe ancient fathers, who ſucceeded the Apoſtles, were they ignorant of their whole right and priuiledge againſt Infidel or Heretike Kings and Magiſtrates? For that they had force and ſtrength equall yea and more then ſufficient to execute an exploit againſt them, we haue in another place demonſtrated very largely [k].

[k] *Lib. 3. de Reg. cap. 10. 11. 12. 13. & lib 4. cap. 5. & 6.*

Therefore it is euident by theſe, that the authoritie of the Apoſtle *Paul*, doth nothing appertaine to the former propoſition of *Bellarmine* touching the depoſing of Kings: and therefore that hee committed a great error, that in a matter ſo ſerious, and of ſo great moment, hee hath deceiued the Reader with a falſe ſhadow of the Apoſtles authoritie. If the conſtitution or creation of Iudges made by the Chriſtians at the Apoſtles direction, had taken away the authoritie, power, and iuriſdiction of the infidell Iudges, or in any part had abrogated the ſame, or had exempted Chriſtians from their ſubiection, there could nothing haue been ſtronger than *Bellarmines* argument, nothing more true then his opinion. But becauſe that conſtitution of Iudges, did no more preiudice heathen Iuriſdiction, then the chuſing of Bemie Kings at Twelfetide, or the creation of Princes and Iudges by the wanton youth in the Bachanall diſports, is preiudiciall to the true Kings and Magiſtrates, it is certaine that no Argument for his opinion can be drawen from thence.

But becauſe we proſecute the ſeuerall points in this queſtion, I muſt aduertiſe you, that S. *Thomas* is in ſome places of that [l] opinion, that he thinkes that the right of the Lordſhip and Honor of Ethnike Princes may iuſtly be taken away; *by the ſentence or ordination of the Church, hauing the authoritie of God*, as he ſaith. S. *Thomas* his authoritie is of great force with me, but not ſo great, as that I eſteeme all his diſputations for Canonicall Scripture, or that it ſhould ouercome either reaſon or law. Whoſe ghoſt

[l] *22. q. 10. art. 10.*

I honour, and admire his doctrine. But yet there is no reaſon, why any man ſhould be mooued with that opinion of his, both becauſe he brings out either no ſufficient and ſtrong reaſon or authoritie, for his opinion: and alſo, becauſe in the explication of the Epiſtle of *Paul* to the *Corinth.* 1. he is plaine of the contrarie opinion: laſtly becauſe hee hath none of the ancient Fathers conſenting with him, and there are many reaſons and authorities to the contrarie. And the reaſon which he brings, *becauſe that infidels by the deſert of their infidelitie doe deſerue to looſe their power vpon the faithfull, who are tranſlated into the ſonnes of God.* An ill reaſon and vnworthy ſo great a man: as though if any man deſerue to be depriued of office, benefice, dignitie, authoritie or any other right whatſoeuer which he poſſeſſeth, may therefore preſently be ſpoiled by another, rather then by him of whom he receiued and holdeth the ſame, or by another, that hath expreſſe commandement and authoritie from him. Who knoweth not, that the *Chancellor*, *Conſtable*, and other officers made by the King, doe deſerue to looſe their place, if in any thing they abuſe their office? but yet notwithſtanding no man can take it from them, ſo long as the Prince on whom onely they doe depend, ſuffereth them to execute their office. In like manner infidell Princes, although *by the deſert of their infidelitie they deſerue to looſe their authoritie;* yet becauſe they are conſtituted by God, and are inferiour to him alone, they cannot be diſpoſſeſſed of their authoritie, and depoſed but by God himſelfe. And indeed the ſame *Thomas*, in an expoſition of the Epiſtle of *Paul*, aboue recited in this Chapter, ſheweth plainly enough, that the Church hath not that authoritie, whereby ſhee may depoſe Ethnikes, for he ſaith, it is againſt the law of God, to forbid that the ſubiects ſhall not abide the iudgement of infidell Princes. Now it is ſure, that the Church can command or forbid nothing againſt the law of God, further to take from infidell Princes, the right of Lord-

ſhip and Dignitie, is indeed to forbid that no man ſhould ſtand to his iudgement. Therefore the Church hath not that power. And let any man, who will, peruſe all Stories, he ſhall finde no where, that euer the Church aſſumed to herſelfe that authoritie, to iudge Princes infidell or heathen. Neither did ſhe onely forbeare for ſcandall, as *Thomas* thinketh in that place: but for want of rightfull power, becauſe ſhee was not Iudge of the vnfaithfull, according to that of the Apoſtle, [m] *What haue I to doe to iudge them who are without*: and alſo becauſe Princes appointed by God, haue God onely Iudge ouer them, by whom only they may be depoſed. Neither is it to the matter, that *Paul*, when he commands Chriſtian ſeruants to exhibite all honor to their Maſters being Infidels, addeth that only, *Leaſt the Name of the Lord and his doctrine be blaſphemed*: for he ſaid not that, as though for that cauſe onely, ſeruants ſhould obey their Maſters, but that eſpecially for that cauſe they ſhould doe it: and therefore he expreſſed the greateſt miſchiefe, which could ariſe thereof, that he might deferre ſeruants from the contempt of their Maſters, to wit, the publike ſcandall of the whole Church of God, and of Chriſtian doctrine. Therefore the Apoſtle meaneth not by theſe words, that ſeruants may lawfully withdraw themſelues from the yoke of ſeruice againſt their Maſters will, if they might doe it without ſcandall to the Church, for they ſhould not commit flat [o] theft in their owne perſons, by the law of Nations: But he would ſhew that they did not onely ſinne, which in other places he plainly teacheth [p], but alſo draw a publike ſcandall vpon the whole Church, which is farre more grieuous and hurtfull then a particular mans fault, and aboue all things to be auoided.

[m] 1. Cor. 5.

[o] *Lancilla 60 D. de furt. l. 1. C. de ſer. fugit.*

[p] Rom. 13. ad Philip 6. Coloſſ. 3.

Therefore now it remaineth, that according to my promiſe, I make proofe, that the former propoſition of *Bellarmine*, touching the authoritie to depoſe heathen Kings and Princes, is falſe, euen out of the Principles ſet downe

and

and granted by himselfe. The matter is plaine, and easie to be done, for in his second booke *De Rom. Pontif.* he confesseth [1] that the Apostles and all other Christians were as well subiect to heathen Princes, in all Ciuill causes, as other men, his words are these: *I answere first it might be said that* Paul *appealed to* Cæsar, *because indeed hee was his Iudge, although not of right, for so doth* Iohn de Turrecremata *answere:* lib. 2. cap. 96. summæ de Ecclesia. *Secondly, it may be said and better, with* Albert Pighius lib. 5. Hierar. Eccles. cap. 7. *that there is a difference betweene Heathen and Christian Princes: for when the Princes were heathen, the Bishop was not their Iudge, but cleane contrarie, he was subiect to them in all ciuill Causes, no lesse then other men, for it is plaine that the Bishop was not Iudge of them: because he is not a Iudge but of the faithfull* 1. Cor. 6. What haue I to doe, to iudge of them which are without. *And that of the contrarie he is ciuilly subiect to them, both of right and indeed, as it is plaine. For the Christian law depriueth no man of his right and dominion, Therefore euen as before the law of Christ men were subiect to Emperours and to Kings: so also after. Wherefore* Peter *and* Paul *euery where exhort the faithfull, to be subiect to Princes, as appeareth,* ad Rom. 13. ad Titum 3. & 1. Pet. 2. *Therefore worthily did* Paul *appeale to* Cæsar, *and acknowledged him his Iudge, when hee was accused of the sedition and tumult, which was raised amongst the people.* Thus he, whereby it is plaine, that not onely want of strength was the reason, why the first Christians deposed not heathen Princes, but also, because all law both diuine and humane was against such an action, and in the same booke and Chapter, he teacheth more openly, when hee saith that *to iudge, punish, depose,* belonged onely to a superiour, which is most true, and without all controuersie is confirmed by the common iudgement of men.

[1] Cap. 29.

And now by these most certaine Principles set downe and granted by him, euery one that hath any skill in reasoning, may gather that the Christians, although they

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[1] Cap. 29.

And now by these most certaine Principles set downe and granted by him, euery one that hath any skill in reasoning, may gather that the Christians, although they

were mightie both in numbers and ſtrength', could not by right depoſe *Nero*, *Diocletian*, and other heathen and wicked Princes, and that is concluded by this ſtrong and vnanſwerable demonſtration.

Subiects cannot iudge, puniſh or depoſe a Superiour.

But all Chriſtians were ſubiect to Nero, Diocletian, &c. and other Emperours, and Heathen Kings.

Ergo, *they could not depoſe ſuch Emperours or Kings.*

The propoſition is granted by him: and likewiſe the Aſſumption, which doe ſtand vpon moſt certaine truth, and the concluſion depends of the Antecedents by a neceſſary conſecution, and is directly contrary to that, which he had ſaid. *That Chriſtians in times paſt might lawfully depoſe* Nero, Diocletian, *&c* But for that they wanted temporall power & ſtrength they forbare that purpoſe. Therfore it is falſe and worthy to be reprehended; For *aientia & negantia ſimul vera eſſe nequeunt*. Heereby alſo is the falſhood of the opinion of *S. Thomas* euident, which we haue refuted aboue in this Chapter.

Chap. XXII.

I Said that *Bellarmine* vſed a threefold argument for the confirmation of his third reaſon: which is, *That it is not lawful for Chriſtians to tolerate an Infidel or Heretike King*, whereof I haue already noted the faults of the firſt. Now we muſt examine in this and the next Chapter what maner of arguments they are, and what ſtrength they haue. Therefore the ſecond argument is this.

To tolerate an Infidell or Heretike King, labouring to draw men to his ſect, is to expoſe religion to manifeſt danger.

But Chriſtians are not bound neither indeed ought they to tolerate an infidell King with the manifeſt danger of Religion: for when there is difference and contention between the law of God and the law of Man: it is a matter of Gods law to keepe and obſerue the true faith and religion, which

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is one onely, and not many: but it is a point of mans law, that we haue this or that King.

To these things I answer, that *Bellarmine* and others from whom he had these, doe not reason rightly, nor according to arte, but doe propound two arguments together confusedly and commixtly without forme. For, for that which he assumes:

But Christians are not bound, yea they ought not, without euident danger of religion, to tolerate an Infidell King.

Insteed whereof should haue beene placed in good Logike this Assumption.

But Christians are not bound, yea they ought not to expose religion to euident danger:

That the Conclusion might follow thereof:

Ergo, *It is not lawfull for Christians to tolerate an Infidell or Heretike King.*

For the assumption which he setteth downe is almost iust the same, with the Proposition that is in question. But to allow him somewhat, let vs grant that he hath fashioned and disposed his Reason in excellent good forme, and let vs answer to the force of the argument. I say then that his Proposition is false. I say againe, that it is not true that, *To tolerate an Heretike or Heathen King, endeauouring to draw men to his sect, is to expose Religion to manifest danger.* But it is onely to suffer Religion to lie in danger into which it is fallen by the fault of an Heretike or Infidell King, to which it is now exposed without the fault of the people: seeing now the people hath no iust and lawful remedy left them to deliuer Religion, but onely Constancy and Patience. And this can not be imputed as a fault to Christians, vnlesse we will by the same exception sharply accuse all those ancient fathers and Christians, who did without any shrinking or tergiuersation, or without the least token of rebellion submisly obey *Constantius, Iulianus, Valens*, and other renouncers of Christian religion, because they came lawfully to the Empire, and whom they might most easily haue remooued

or deposed, they honoured them withall honour, duty and reuerence, euen because they were their Emperours and Kings. These holy fathers then, and worthy Christians in that age, did tolerate Heretike and Infidel Kings, although if we onely looke at their temporall strength, they were furnished with excellent meanes and opportunities to depose them: and yet none that is in his wits will euer say that they exposed Religion to most euident danger, thorow that manner of Christian patience and tolerancy. Now I speake of tolerating that King, who either being a Heathen is ordained by the Heathen, where Christians doe not rule: or who when he was admitted and enstalled into his Gouernment, was accounted a Christian. For to elect a King ouer themselues, no law nor religion enforceing, whom they know to be either an Heretike or an Infidell, is indeed to expose Religion to most euident danger, and in that behalfe, it were a greeuous sinne in the Christians: and they that doe it, are worthy miserably to perish therefore.

Now for that which he deduceth, out of the opposition betweene diuine and humane law, I answer breefly, that he is much deceiued in this, that in this matter he supposeth there is a crosse encounter and conflict betweene the law of God and the law of man. For they are not repugnant.

To keepe faith and Religion, and to tolerate an Infidell or Heretike King.

Neither is the one by diuine law, the other by humane, as he imagineth: But they be two Precepts of Gods law.

1. *To worship and serue God with true Religion.*
2. *To obey and serue the King.*

Which may and ought to be kept and fulfilled together, as the Iesuites themselues affirme. [a] And we haue proued at large, *lib. 3. contra Monarchomachos.* [b] Therefore in this case the subiects not onely may, but also ought, to tolerate such a King, and in the meane time to continue constantly in the true religion, and so to giue to *Cæsar* those things, which are *Cæsars*, and those things which are Gods, to God.

[a] *Contra Arnaud. pag. 69.*
[b] *Cap. 8.*

For

For if, as *Bellarmine* deliuereth, it be not lawfull for a Counsell [a] to iudge, puniſh or depoſe a Pope indeuouring to diſturbe or to deſtroy the Church of God but onely,

[a] *Lib 2. de Rom. Pont. c 29.*

To reſiſt him by not doing that which he commandeth, and hindring that he doe not execute his pleaſure.

Why ſhould we not in like manner, and with much more reaſon, hould the ſame iudgement of Kings? Seeing that they alſo, by the teſtimony of the ſame [a] Author, are ſuperiour to the People, and haue no iudge in earth: and whereas beſides many famous Diuines be of opinion, that an Oecumenicall Counſel hath greater authority ouer the Pope, then the people hath ouer the Prince? Becauſe the Church is euer gouerned by the ſpirit of God, nor doth any thing raſhly. And the Pope being often times mooued and toſſed with the windes and tempeſts of ſedition enterpriſeth many things wickedly, cruelly and vniuſtly, without counſell and iudgement.

[a] *Lib. 1. de Rom. Pont. cap. 9 & li. 3. c. 19.*

¶But it is a hard matter to tolerate a wicked King, and to retaine true Religion, will ſome reply. I grant indeed it is ſo, but it is not vnpoſſible. Impoſſibilitie (I muſt craue pardon to vſe the word) excuſeth from the obſeruing of the Commandements, but difficultie and hardneſſe doth not. But that he ſaith, *That it is of the diuine law to keepe true faith and religion: but of humane law, that we haue this or that King.* This ſurely is all true, but take heed Reader for all this, leaſt you be deceiued. *Bellarmine* omitted that which was principall, for he ought to haue added:

But where we once haue this or that King, it is of the diuine law, that in Ciuill cauſes we obey him with all honor and reuerence.

By this adiection which no Catholike can denie, that Argument of his is cruſht. For in the maner propounded by him, the law of God and Man doe not concurre, nor fall a croſſe one of another, as hee imagineth, (which if it ſhould fall out, it were reaſon that the humane ſhould

yeeld to the diuine) but in truth there concurre two heads of the Diuine law, the one, To obserue faith and Religion, the other, To honor the King and to obey him in Ciuill matters. Both which may and ought to be fulfilled, *By giuing to Cæsar*, as is said, *the things which are Cæsars, and which are Gods, to God*, as we haue learned out of *Bellarmines* doctrine in the person of the Pope, endeuouring to destroy the Church.

CHAP. XXIII.

THere remaines the last Argument, which he propounds by way of a subtle and captious question in this manner.

To conclude, why may not a faithfull People, be freed from the yoke of an vnfaithfull King and drawing to Infidelitie, if a believing wife bee free from the Obligation of staying with an vnbelieuing husband: when he will not stay with his Christian wife, without iniurie to the faith, as he plainly deduceth out of Paul 1. ad Cor. 7. Innoc. 3. Cap. Gaudemus, extra de diuortijs? *for the power of the husband ouer the wife is no lesse, then of the King ouer the subiects, but indeed somewhat more.*

There is nothing more frequent in the mouthes of all the Monarchomachi, then this Argument: because they doe easily deceiue very many thereby, for it is such a one, as nothing doth mooue more vehemently at the first sight, and being looked into and vnderstood doth vrge more weakely. Therefore I answere to it, that these two points be very diuers and vnlike,

To be deliuered from some mans yoke; *and*

To be deliuered from the Obligation of remaining with some man.

and therefore, that they are not rightly compounded and compared together, seeing that the husband himselfe, to whom the Obligation of remaining with an other is remitted

mitted, is not by this at all deliuered from her yoke, from whom he departs. Whereof the Church yeelds vs examples euery day, which freeth and absolueth maried Persons, for diuers Causes, for Bed and Boord, as they say, (that is) for conuersation and obligation of Continuance one with the other, the Mariage bond neuer the lesse remaining, which is a Sacrament of Christ and the Church. Wherefore the force of such an Argument drawen from maried persons is nothing, vnlesse he proceed from the Matrimoniall yoke, to the Regall yoke, as if he had said:

Why may not a faithfull People be freed from the yoke of a King faithlesse, and drawing others to Infidelitie, if a beliewing wife be free from the yoke of an vnbeliewing husband.

Now if it please the Reuerend *Bellarmine* to turne that his Argument into this, that it may haue more moment and weight, then I will answere the same after an other manner. And thus. That either he speakes of those maried persons who contracted Mariage, when they both were beleeuers, and one of them fell into heresie or infidelitie afterwards: or of heathen and infidell Couples, of whom the one conuerted to the faith, the other continuing obstinately in his Pagan superstition. If he vnderstand his argument of the former, he doth slander his Author *Innocentius*, who speakes neuer a word of such a Matrimonie in the said *Cap. Gaudemus*: and besides it should bee false, which he obtrudes to vs for an argument, that the beleeuing husband is free from the yoke of his vnbeleeuing wife, when he will not continue with his Christian wife, without iniurie to the faith, as the same *Innocentius* expresly teacheth, *in cap. Quanto. §. si verò. extra de Diuort.*

But if saith he, *one of the beleeuing maried persons, either fall into Heresie, or passe ouer into the error of Gentilitie, we doe not thinke that in this case the partie that is left, may flie to any second mariage, while the other liues,*

although in this case the Contumelie seemeth the greater which is offered to the Creator.

And againe the same *Innocentius* in *Cap. ex parte extra, De conuers. coniugat.* rescribeth to the same purpose: That *Matrimonie contracted between lawfull persons, and consummate by carnall Copulation,*

In no case can be dissolued, although one of the beleeuers, between whom this Mariage is ratified, should prooue an Heretike, and would not continue with the other, without Contumelie to the Creator.

Behold the argument drawen from maried Persons, doth not onely not strengthen these mens Opinion, but also weakneth, and euen oppugneth the same, as if a man should in this manner propound the argument ἀντιστρέφως by way of interrogation.

Why should a beleeuing People be freed from the yoke of a King vnbeleeuing or hereticall, endeuouring to draw his subiects to his sect, if a maried person beleeuing bee not free from the yoke of the other Mate vnbeleeuing, although he will not continue with the beleeuing yoke-fellow, without iniurie to the faith and contumelie to the Creator.

As Innocentius III. openly teacheth, in cap. Quanto. §. si verò. De Diuort. & in cap. ex parte. De conuers. coniugat. adeo vt Panorm. in illum. §. Si verò. doth say, out of the reason there laid, That the Church cannot dissolue such a Mariage, and free the beleeuing yoke-fellow from the yoke of the vnbeleeuing, when as notwithstanding a beleeuing yoke-mate may much more easily be peruerted by a yoke-mate vnbeleeuing, then the whole people by a King. But the bond of the subiection, whereby the people is tied to the King, since it proceeds both from naturall and diuine Law, seemeth much more hard to be dissolued, then that of maried Persons between themselues: that from thence a man may easily prooue, that the Church can doe no more in one then in the other.

But

But if he vnderstand his argument of the later maried persons, the answer is easie, out of the same Decretall Epistle of *Innocent*, to wit. That betweene such couples the Mariage is not good, as much as appertaines to the indissoluble * bonds of Matrimony. And therefore such kind of maried parsons haue full liberty to dissolue the matrimony, that they may depart either with consent and good likeing, or with mislike and displeasure, and the one of them, euen against the liking of the other, may by refusall and diuorse at his pleasure dissolue that knot of mariage: for the woman may as wel send letters of diuorse to the man as the man to the wife.

* This is according to Cardi. Bellar. own doctrine in his *Lib.* 1. *de matrimoni. cap.* 12.

For (saith he) *although the Matrimony among Infidels be true* (because they goe together according to the commandement of the lawes) *yet it is not firme. But amongst the beleeuers it is both true and firme, because the Sacrament of faith being once admitted is neuer lost, but makes firme the Sacrament of mariage, that it continues in the maried persons, while that continueth.*

It is no wonder then if the maried persons brought to the faith, be free from the fellowship and power of his fellow, remayning in Infidelity, when as although both had continued in Infidelity, it had beene euen as free for each of them to depart from the other, & by diuorse to dissolue mariage because in the beginning there passed no forme and rate bond of Obligation betweene them. And therefore the Apostle doth not command but aduise, that the beleeuing wife should not depart from the vnbeleeuing husband if he be willing to stay with hir, as *S. Augustine* teacheth learnedly and eloquently *lib.* 1. *De adulterinis Conjugiis*, and the holy Canons taken from thence doe admonish vs[a].

[a] 28. *q.* 1. *Can.* 8. & 9.

Which matters since they stand thus, surely it followeth, that the aduersaries do to small purpose fetch an argument from maried persons to shew that people may be freed from the Regall yoake, whether they regard the mariages of the

Beleeuers, or of the vnbeleeuers: Becauſe they are coupled with a moſt ſtraight and indiſſoluble knot of ſociety, whoſe band cannot be broken, no not by the Church it ſelfe, neither for Infidelity nor Hereſie of the one part. So as from hence he doth furniſh vs with an argument tending rather to maintaine the ſtrength and perpetuity of Regall authority, then to diſſolue and deſtroy the ſame; And theſe are tyed by no neceſſity of Obligation in the face of the Church, but the husband conuerted to the faith if his fellow will not follow without ſcandall, may at his pleaſure take to him another: And againe, the woman brought to the faith, if the husband refuſe may in Chriſt marry with whom ſhee will. Seeing therefore there is no firme mariage betweene theſe and the politike ſubiection, and Kingly domination and rule, is ratified and approued amongſt all Nations, and in euery law, as well by diuine as humane power, what can be more vnreaſonable or fond then to compare and ſute them together, and to deduce any argument from the ſociety and yoake of vnbeleeuing maried perſons, which may be ſhaken of at pleaſure, to breake the yoake of Regall power and authority, and to make the ſame iudgement of them both, as if they were as like as might be.

Chap. XXIV.

I Tould you in the xxiij. Chapter, that there were fiue reaſons in *Bellarmine*, whereby he would proue, that the Pope hath temporall power ouer all ſecular Kings, and Princes Chriſtian: of which reaſons we haue run thorow three, and obſerued how weake they are, and of what diſeaſes they labour, it remaineth now, that we make our ſuruay of the other two, which are not a whit better conditioned. The firſt whereof is by him laid downe in theſe words.

When Kings and Princes come to the Church to be made Chriſtians, they are receiued with a Couenant, either expreſſe

preſſe or ſecret, that they ſhould ſubiect their Scepters to Chriſts, and promiſe that they will obſerue and defend the faith of Chriſt, yea vnder the penalty of loſing their kingdome. Ergo. *When they proone Heretikes, or hurt Religion they may be iudged by the Church, and withall be depoſed from their gouernment, neither ſhall any iniury be done them, if they be depoſed.*

I anſwer this reaſon, by denying the conſequent. For although it be true that Princes comming to the Church, do ſubmit themſelues and their ſcepters to Chriſt, and euen of their owne accord doe make thoſe promiſes either ſecretly or expreſly which *Bellarmine* reporteth; yet it is not true, neither doth it follow thereof, that they may be iudged and depoſed by the Church or Pope if they breake their promiſe, or neglect to keepe their Couenant and Oath. Becauſe that ſoueraigne iuriſdiction and temporall power of Chriſt ouer all Kings and the whole world which he hath as the ſonne of God, doth not appertaine to the Church or Pope: but that power onely which Chriſt aſſumed to himſelfe, when he was conuerſant amongſt men after the manner of men, according to which the Pope is Chriſts Vicar. Whereupon *Bellarmine* himſelfe writeth [a] excellently well:

[a] *Lib. 5. de Rom. Pont. cap. 4.*

We ſay, quoth hee, *that the Pope hath that office which Chriſt had, when after the maner of men he liued amongſt men in the world. For we may not giue the Pope thoſe offices which Chriſt hath as God, or as an immortall and glorious man, but onely thoſe, which he had as a mortall man.*

But Chriſt vſurped no temporall dominion and power when he liued as a man amongſt men in earth, and therefore neither the Church as the Church, nor the Pope as head of the Church and Vicar of Chriſt, can haue any temporall power, as the ſame learned man declareth and prooueth at large, in that Chapter, Wherefore although Kings and Princes when they come to the Church, do ſubiect their Kingdomes to the Lord Chriſt, and haue Chriſt their iudge from whom they haue alſo their Kingdome:

but becauſe the iudgement is of a temporall affaire, when the buſineſſe is touching a kingdome forfeited, they haue him onely their Iudge, and not the Church or the Pope. Whereby it doth eaſily appeare how captious thoſe reaſons and concluſions are which *Sanders*, from whom *Bellarmine* hath receiued this ſtuffe of his, doth deduce out of thoſe manner of promiſes, made either ſecretly or expreſly. For as concerning thoſe formes of asking and anſwering, which he with many idle words and falſely deuiſeth betweene the Pope and the Princes which come to the Church: we muſt anſwer, that they are fondly conceiued by him, and that they neither ought, nor are accuſtomed to paſſe in the admittance of Heathen Princes, which come to the Church, leaſt the Church ſhould ſeeme either to ſuſpect them, or to diuine and conceiue ill of them for the time to come. Therfore their burning loue towards Chriſt, and preſent confeſſion of their faith, whereby they in general tearms promiſe, that they wil giue there names to Chriſt and become children of the Church, and will renounce the diuel and his works, and keep the commandements of God and the Church, and ſuch like, are cauſe ſufficient enough, that they ſhould be receiued. All which matters they doe indeed promiſe to Chriſt, the Church receiuing the promiſe, as his Spouſe, in whoſe booſome they are regenerate; or the Biſhop himſelfe, not as a man, but as a Miniſter of Chriſt, God himſelfe diſcharging a Deputies office heerein, and therefore the obligation is principally taken to Chriſt himſelfe, by the Church or the Pope. Whereby although they haue alſo promiſed all other things, which *Sanders* hath comprehended in that forged forme of his, and ſhall afterwards neglect, or wholy contemne that couenant agreed on, they can be puniſhed by him onely, into whoſe words they did ſweare, and who is the Lord of all temporall eſtates, and whom they haue for their onely Iudge ouer them in temporall matters, but not by him to whom the care onely of ſpirituall matters and to take the

promiſe

promiſe is committed.

And to theſe ſpirituall matters are thoſe things moſt like, and moſt reſemble them which we ſee daily to be obſerued in the ciuill Gouernment. They who aſpire to the ſucceſſion of Feudes or Fees, whether they come in by hereditarie right or by any other title, cannot enioy them, vnleſſe they firſt be admitted into his clientele and ſeruice who is Lord of the Fee, that is, vnleſſe they in words conceiued doe take the oath of fealtie to the Lord, which they commonly call *Homagium* or *Hominium*. But if it be the Kings fee to which they ſucceed, the King doth ſeldome in his owne Perſon take the oath of fealtie, but executeth that buſineſſe for the moſt part by his Chancellor, or ſome other Deputie eſpecially aſſigned for that purpoſe. Therefore the Chancellor when hee admits to Fees and Honors great Perſonages ſwearing into the Kings wordes, he diſchargeth the ſame office vnder the King in a Ciuill adminiſtration and iuriſdiction, which the Pope doth vnder Chriſt, in the ſpirituall gouernment of the Church, when he receiues Princes comming vnto her, by taking the oath of their faithfulneſſe and pietie towards God: And the Chancellor, the Tenant once admitted, (although after he breake his oath, and commit the crime which they call Felonie) may in no cauſe take away the Fee, which is the proper right of the King alone, and not granted to the Chancellor at all: So neither can the Pope depriue of Kingdomes and authoritie, or any way temporally puniſh Princes receiued into the Church, although they offend grieuouſlie afterward, or forſake the faith: Becauſe that is reſerued to God onely. Therfore although Chriſtian Kings and Princes be in the Church, and in reſpect that they are the Children of the Church, be inferiour to the church and the Pope, notwithſtanding in regard that they doe beare a ſoueraigne rule temporall in the world, they are not inferiours, but rather ſuperiours: and therefore although they haue forfeited their kingdome

by ſecret or expreſſe couenant, yet neither people, nor Pope, nor church canne take it away from them: But onely Almightie God alone, from whom is all power, and to whom alone they are inferiour in Ciuill adminiſtration. And neither ſhall *Bellarmine* nor any other be euer able to bring, or as I may ſay, to digge out of the monuments of any age, any forcible argument, whereby he may make it plaine vnto vs, that ſecular Kings and Princes when they were receiued to the Faith by the Church, did in ſuch manner renounce their intereſt, as both to lay downe altogether the temporall authoritie which they had receiued of God, and alſo to ſubiect themſelues to the Church, to be iudged in Ciuill affaires, and to be chaſtiſed with temporall puniſhment. And if none of them can demonſtrate this, they muſt needs confeſſe, that Kings and Princes did after the faith receiued, retaine their Kingdomes and Empires, in the ſame Right, the ſame Libertie, and Authoritie, wherein they poſſeſſed them, before ſuch time as they came to the Church, becauſe, as the Aduerſaries doe confeſſe, *Lex Chriſti neminem priuat iure ſuo.* If therefore, before Baptiſme they had no Iudge aboue them in temporall matters, but God alone: neither ought they to haue any after Baptiſme. But we haue ſpoken more of this matter in the refutation of the firſt reaſon. In this place I ſtand not much vpon *Bozius* his dotages.

Now for that he vnderlaies after this fourth reaſon, in the words following.

For he is not fit to receiue the Sacrament of Baptiſme, who is not ready to ſerue Chriſt, and for his ſake to looſe whatſoeuer he hath. For the Lord ſaith, Lu. 14. if any man come to me, and hateth not father and mother, and wife and children, yea and euen his owne life, he cannot be my Diſciple.

I cannot tell, to what end he vſeth theſe words. Surely no man denies it. But what of it? Such a reaſon belongs no more to the purpoſe, then that which is furtheſt from the

the matter, nor that neither which followeth in the ſame place. *Beſides* ſaith he, *the Church ſhould grieuouſly erre, if ſhe ſhould admit any King which would with impunitie cheriſh euery manner of ſect, and defend heretikes, and ouerthrow Religion.* This is moſt true: But as I ſaid, it belongs nothing to the purpoſe, for now the queſtion is not of that matter: but of the temporall power of the Church, or of the Pope, who is the ſubſtitute head thereof vnder Chriſt: I meane, whether he haue that power, whereby he may chaſtiſe with temporall puniſhments Kings and Princes duely receiued, if afterthey ſhall breake the faith, and forſake the dutie, vndertaken by them in the lauer of regeneration or no. Now neither part of this queſtion is either proued or diſprooued by theſe correllaries and additions, and for this cauſe we paſſe them ouer.

Chap. XXV.

THe fift and laſt reaſon is drawen, from his Paſtorall charge and office: in theſe wordes.

When it was ſaid to Peter, *Feed my ſheepe*, Iohn the laſt, *all the power was giuen him, which was neceſſarie to maintaine the flocke.*

But a ſhepheard hath a threefold charge, one about Wolues, that hee driue them away by all meanes he can: the other about the Rammes, that he may ſhut them vp, if they hurt the flocke with their hornes: the third about the reſt of the ſheepe, that he giue euery one conuenient food: Ergo,

The Pope hath this triple charge.

Out of this principle and foundation are drawen three ſtrong arguments as he ſurmiſeth. But not to goe farre, firſt I anſwer to this very fundamentall propoſition: that it is all true, and maketh for me, and that the very contrarie of that which he affirmes may very handſomely be gathered from thence, I ſay, gathered, that the Pope hath no temporall power at all, or may exerciſe any vpon Chriſtian Princes, as he is the Vicar of Chriſt, and ſucceſ-

ſor of *S. Peter*, ſeeing ſuch a manner of power is not neceſſarie for the Pope, for the diſcharging and fulfilling of his Paſtorall dutie.

And that is euidently concluded by this argument: Chriſt by commending his ſheepe to *Peter*, gaue him all power neceſſarie to defend the flocke: But he gaue him no temporall power: Therefore temporall power is not neceſſarie to defend the flocke. Secondly, we will proceed in this manner. It is a thing vnreaſonable, that the Pope, who is the ſucceſſor of *S. Peter*, ſhould haue more power then had *Peter* himſelfe: But *Peter* had not any temporall power ouer Chriſtians; Therefore, Neither the Pope as he is his ſucceſſor.

The propoſition of the former reaſon, is without all controuerſie true. And the Aſſumption is prooued by the teſtimonie and confeſſion of *Bellarmine* himſelfe. For lib. quint. de Rom. Pontif. where he endeuours to eſtabliſh his opinion of this thing by a ſimilitude of the fleſh and the ſpirit, he writeth thus. *For as the ſpirit and fleſh ſtand one toward the other in Man: ſo doe the two powers in the Church; for the fleſh and the ſpirit, be as it were two Common-wealthes, which may be found both ſeparated and ioyned together, fleſh is found without the ſpirit in beaſts: ſpirit is found without fleſh in the Angels:* and a little after. *Euen ſo the Ciuill power hath her Princes, Lawes, Iudgements, &c. Likewiſe the Eccleſiaſticall, her Biſhops, Canons, Iudgements: the one hath for her end a temporall peace: the other, euerlaſting ſaluation: ſometimes they are found ſeuered, as once in the time of the Apoſtles, ſometime ioyned as now.*

If theſe powers were ſeuered in the time of the Apoſtles, as in trueth they were, both in Right and in Deed, it followeth neceſſarily, that *S. Peter* had no temporall power, otherwiſe it ſhould be falſe, that they were ſeuered, for if there be place to the ſimilitude propounded by him, it will follow, that as there is nothing fleſhly in Angels, and nothing ſpirituall in beaſts: ſo in the time of the Apoſtles, there ſhould be no temporall power in the Church, or ſpirituall

rituall in the Ciuill ſtate. Therefore we muſt confeſſe, either that temporall power is not neceſſarie for the chiefe Paſtor of the Church: or that the Prince of the Apoſtles himſelfe, and cheefe Paſtor *S. Peter*, was not furniſhed and accompliſhed with all things neceſſarie for the diſcharge of his Paſtorall dutie. And this is as contrarie, as contrarie may be, to that which he had already ſaid in his fundamentall reaſon, as I may call it: to wit,

That all abilitie neceſſarie to defend the flocke, was giuen to Peter.

The ſame alſo is prooued by this, that all ciuill and temporall power at that time depended of heathen Princes, to whom *Peter* himſelfe, witneſſe *Bellarmine* [b], although the head of the Church and Vicar of Chriſt, was ſubiect in temporalities, both by Right and in Deed. Wherof it followeth, that either *S. Peter* was indued with no temporall power, or that he receiued it from heathen Princes: otherwiſe as we ſaid before, it ſhould be falſe, that thoſe powers were then ſeparated. But it is certaine that he receiued none of them, and therefore that he had none at all. And certainly theſe reaſons are more plaine, then any man without fraud and cunning can gainſay: that it is a wonder to ſee that learned men and otherwiſe godly, ſhould ſo be blinded with an inconſiderate and vnaduiſed heate, that they ſhould not ſticke to embrace and follow doubtfull things for certaine, obſcure for euident, crooked for ſtraight: for plaine and eaſie reaſons, thoſe which be perplexed and intricately bewrapped with many controuerſies and contradictions. But they take care, you will ſay, to amplifie and adorne the Sea Apoſtolike with the increaſe and acceſſion of this power and authoritie. And is there any Catholike, who doth not commend their minds that are affected to that Sea, which is the foundation and ſtrength of our faith? That they doe grace and aduance by all meanes that Sea, which no man can ſufficiently commend according to her worth, I doe much commend them: but that they attribute more to it, then is fit, and

[b] *Lib. 2. de Rom. Pont. ca. 29.*

that with the great ſcandall of many, that I doe not commend, for we our ſelues alſo do no leſſe honour the ſame Sea, we no leſſe loue, reuerence, admire it: as that which is the true ſeate of *Peter*, and being placed in the rocke which is Chriſt, hath ouercome all hereſies, and obtaineth by good right the chiefe place in the Church. But the truth forbids, that we ſhould aduance her with this increaſe of Power: our Conſcience bearing vs witneſſe, before God, and the Lord Ieſu, before whom in the day of the reuelation of the iuſt iudgement, both theſe our writings, and theirs ſhall appeare, conſigned with their owne merits.

Therefore, there is ſmall cauſe, why they ſhould bring this former reaſon for themſelues. For Chriſt when hee ſaid to *Peter*, *Paſce oues meas*, appointed him indeed Paſtor of his flocke: but a Spirituall Paſtor not a Temporal: and gaue him all ability neceſſary for that office, whereby it appeares that Temporal power is not neceſſary for the Pope, becauſe Chriſt gaue it not to *Peter* himſelfe. Neither haue we heard any where that either *S. Peter* or any other of his Apoſtles, did practiſe any temporall power or authority, by vertue whereof he did either directly, or indirectly (that no man may ſuppoſe any force in words) puniſh the forſakers of the Chriſtian faith with Ciuill punithment after the manner of Magiſtrates. It is true indeed that ſometimes it hath come to paſſe, that Temporall puniſhment as death or Torment hath followed a ſpiritual ſentence: the church at that time ſtanding in need of miracles and wonders to confirme the faith, which kind of puniſhments, did ſtrike a farre greater feare into the mindes of Chriſtians, then if after the manner of men they had ſuffered puniſhment at the hands of Ciuill Magiſtrates. And this is that which the Apoſtle writeth to the Corinthians: [e] *What will you? ſhall I come to you with a rod, or in loue and in the ſpirit of meekeneſſe?* The rod he calleth that ſpirituall power, which by the wonderfull working of God, did at that time produce wonderfull effects, as euen at this day ſometimes, he vpon the like occaſion

[e] 1. Corin. 4.

occaſion doth produce, among people which be newly won to Chriſt.

Chap. XXVI.

SEeing theſe matters ſtand thus, the way is made more eaſie for vs to refute thoſe arguments which *Bellarmin* deduceth out of his former foundation, being now already opened by vs, and retorted backe vpon himſelfe, for they fall to ground, partly thorow their owne fault and weakneſſe, and partly becauſe they are not wel ſet vpon the foundation, whereon they are built. For firſt out of that, that *Power is neceſſary for the Paſtor about the Woolues, that he may driue them away by any meane he can,* he reaſoneth in this manner.

Woolues which deſtroy the Church of God are Heretikes:
Ergo *If any Prince of a Sheep or a Ram become a Wolfe,* that is, *of a Chriſtian become an Heretike, the Paſtor of the Church may driue him away by excommunication, and alſo command the People, that they doe not follow him, and therefore may depriue him of his gouernment ouer his ſubiects.*

But he is deceiued or doth deceiue vs, by ſhuffling together true and falſe things into the ſame Concluſion. For in that he ſaith, that the Paſtor of the Church may driue away an Heretike Prince by excommunication, that is very true, and is deriued out of that principle by a neceſſary conſecution. But that he may onely, marry that he ought not to do it, but at ſuch times when as he may cõmodiouſly do it, without ſcandall and hurt to the Church, as I haue declared before[a]. For where there is danger leaſt the peace of the Church may be diſſolued, and leaſt *The member of Chriſt be torne in peeces by ſacrilegious ſchiſmes. the ſeuere mercy of the diuine diſcipline is neceſſary* (that is to ſay, is wholy to be left to the iudgement and puniſhment of God) *for Counſell of ſeparation,* (that is of excommunication) *are both vaine, and hurtfull and Sacrilegious, becauſe they become both*

[a] Cap. 9.

impious and proud, and doe more disturbe the weake good ones, then correct the sturdy ill ones.

[b] This is the doctrine of *S. Augustine*, approoued [c] by the common voice of the Church, whereby it is euident, how rashly and vnwisely, certaine Popes, haue separated from the Church by excommunication, most mighty Emperours and Kings, with the great scandall of the whole world, and dissolution of the peace of the Church, whom it had beene farre better to haue tolerated, and to haue discouered their faults onely, and with mourning to haue bewailed them in the Church.

[b] *Lib. 3. cap. 2. contr. epist. Parmeniani.*

[c] *25. quest. 4. can. non potest.*

For the comparison of the Peace and Vnity which was to be kept, and for the saluation of the weake brethren, and such as now were fed onely with milke, least the members of the body of Christ should be torne in peeces, by sacrilegious schismes [d]. Therefore the Popes might doe this, but they ought not. *Non omne quod licet, honestum est.* Very well saith the Apostle [e], *omnia mihi licent, sed non omnia expediunt.* Therefore the first part of the conclusion is true, that the Pastor of the Church, may driue away heretike Princes by excommunication.

[d] *August vbi Sup.*

[e] *1. Cor. 6. & 10.*

But that which followeth, *(and withall command the people, that they follow him not)* hath two eares to hold by, as I may say with *Epictetus*, the one sound, the other broken. I meane a twofold vnderstanding, the one true, the other faulty. For if he speake in this sense, that it is the duty of the Pope, to command the subiects, that they follow not an heretike Prince in his heresie, that they run not with him in his madnesse, nor admit and swallow downe his damnable errors; nor that they suffer not themselues, to be infected and defiled with his filthy and corrupt manners, it is as true, and is deriued very truly out of the same principle and fountaine, and this is the best sense of those words. For there is nothing so conuenient and comely for the pontificall dignity, and the whole order Ecclesiastike, nothing so profitable and necessary for Christian people, as that according to the patterne of the ancient fathers of

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the Church, the principall Bishop himselfe first, and the rest of his brethren, all of them, should preach the word, should be instant in season, and out of season, conuince, intreat, rebuke, in all patience and doctrine [f]. That like faithfull witnesses and good seruants whom the Lord hath set ouer his family, they may so worke both by word and example, that the people follow not the errors of their King, nor either dissemble, nor forsake the Catholike faith, thorow any either threatnings or allurements of the King, which because most of them either do not all at this day, or at the least much more slackly then they ought, and that duty, which it becomes them to performe themselues, they put ouer to certaine begging Friers: what maruell is it if many in our age, haue been caried away as it were with a whirle wind of errors from the Lords sheepfolds, into the toiles of the diuell. This, as I haue said, is the best sense: But notwithstanding that *Bellarmine* doth not speake in this sense, both the cause, which he hath in hand, and this clause following, *Ac proinde priuare eum dominio in subditos*, doth plainly declare. Therefore he giues vs the broken eare of the pot, I meane the corrupt, and the very worst sense of those words: forsooth, that the pastor of the Church may command the subiect, that they execute no commandement of such a Prince, and that by any meanes they yeeld him no reuerence, obedience, honor, in those matters which belong euen to a temporall and ciuill authority. *And therefore depriue him of his dominion ouer his subiects.* But this is false, and flat contrary to the law of God, and precepts of the Apostles. Feare the Lord, my sonne, and the King [g]: *Admonish them to be subiect to Princes and powers, to obey their commandement* [h]. *Be subiect to euery creature for God, or to the King as soueraigne, feare God honor the King*, and diuers of that kind, which things seeing they be spoken of wicked Kings and persecutors of the Church, (for at that time no other ruled in the world,) they can not but belong to the worst and vnworthiest kind of Kings. Therefore this is that which I said before, that either

[f] 2 Timoth. 4.

[g] Prou. 24.

[h] Tit. 3.

[i] 1. Pet. 2.

either he deceiues of purpoſe, or is deceiued, by ſhuffling together true and falſe points into the ſame concluſion. For it is true, that a Paſtor of the Church, may driue away an heretike Prince by excommunication: but it is falſe that he may depriue him of his dominion ouer his ſubiects. For obedience due to Kings and all ſuperiors, is both by law of nature and of God: how then can the Pope by any meane diſpenſe with people againſt the ſame?

The Pope can not diſpenſe againſt a law of God.

For they that with more diligence, and exact care doe ſearch the ſcriptures, doe obſerue a two fold kind of the precepts of *Paul:* one is of thoſe, by which he publiſheth the law of God, which he was ſent to preach, and doth both propound, and expound the will of God, comprehended in the old and new law. Of which precepts almoſt infinit his Epiſtles are full, wherein are theſe alſo which he deliuers touching obedience and reuerence to be giuen to Kings and Princes. And the other kind is of thoſe things, which doe not depend of the law of nature or the expreſſe word of God, but which the Apoſtle himſelfe of his proper authority ordaineth by humane wiſedome aſſiſted by the grace of God, for the ordering and ſetling of the worſhip of God, as that a *Bigamus* or a quarreller, be not admitted to a Biſhopricke [k], that a widow vnder the age of 60. yeeres, be not choſen to the office of Deaconeſſe, and the like. And between theſe commandements the difference is, that in thoſe which be of the latter kind, the Pope may diſpenſe for ſome cauſe: For he hath no leſſe authority, then the Apoſtle himſelfe, in the diſpoſition and ordination of the Church: becauſe the whole Church is committed to him, as to the Vicar of Chriſt and ſucceſſor of *Peter*, and becauſe he is not bound to the lawes of his predeceſſors. But in thoſe matters which belong to the former kind, he hath no power at all to diſpenſe [l], becauſe *Non eſt diſcipulus ſuper Magiſtrum, neq; ſeruus ſupra Dominum* [m]. The inferior may not breake the law of his ſuperior: or qualifie the ſame to pleaſure any. For which cauſe *Speculator* doth affirme that the Pope can not abſolue

[k] 1. Timoth. 5.

[l] *Ioan. de turre cre. in Can. lector. diſt. 34.*

[m] Math. 10.

ſolue any man from a lawfull oath, becauſe the obligation of keeping an oath and performing it to God, is both by the law of nature, and of God: And others deny that the Pope can diſpenſe with any witneſſe, that he may be beleeued vnſworne in a iudgement [p]. And *Innocentius* III. Pope in his reſcript witneſſeth, that the Pope can not grant licence to a Monke, that either he may haue the property of any goods, or haue a wife [q].

[p] *Hippolyt. de Marſil. ſing.* 214.

[q] *Cap cum ad monaſterium. de ſtat. monachor.*

I am not ignorant, with what a far fetcht and trifling explication, certaine Canoniſts interpreters, who ſubmit all things to the power of the Pope, doe bend and wreſt from the proper and natiue ſignification of the words, that ſame place of *Innocentius*, againſt the iudgement of the beſt ſort of diuines. I am perſwaded that it troubled them, which they had hearde, that *Conſtantia* the daughter of *Rogerius Normannus*, a Nunne, was by *Clement* the III. brought out of the Monaſtery of *Panormus*, to be maried to *Henry* the VI. ſonne of *Frederike Ænobarbus*, of whom the Archbiſhop of *Florence* writeth, that when ſhe was fifty yeeres of age, and had long profeſſed a Monaſticall religion, that ſhe bare *Frederike* the II. And that ſhe might take away all ſuſpition of a ſuppoſite and foiſted birth, that ſhe was openly deliuered *in the midle of a ſtreet in Panormus, vnder a ſheet ouer ſpread*: proclamation being made before, that it ſhould be lawfull for all women to be preſent, who would come to ſee that ſpectacle. *Therefore this Frederike was borne ſaith he, of a Nunne that was now fifty yeeres of age*) and becauſe they had heard alſo that an other Pope had granted a certaine King of *Aragon* an indulgence, that of a Monke he might bee a maried man. Wherefore theſe men I meane the Canoniſts, being beyond all meaſure addicted to the Popes, being loath to reprehend ſuch manner of actions, leaſt they ſhould doe diſgrace to their Popes, who were greedy of honor, and knowing that the words of the preſcript ſet foorth by *Innocent* the III. did affirme the contrary, they laboured to helpe themſelues

[r] *Part. 3. tit. 19. cap. 6.*

by such fooliſh interpretations, as it irketh me to report in this place, leaſt I ſhould intertaine the reader with toies. But it had been much eaſier for them, to maintaine the truth and the equity of the reſcript, then to practiſe to make a certaine law of the ſingular, and vnlawfull actions of Popes, as though they were a rule to liue by. Let vs ſuffer the Popes to giue accompt of their actions to God, neither let vs imitate them in all things. But if any doe propound to vs for examples ſuch actions of theirs, we will anſwer with *Ioan de Tur. Crem, Siluester, Sotus*, and other learned men: That theſe were deeds of Popes, but not decrees, *and that the deeds of the Popes, doe not make an article of the Christian faith, and that it is one thing, to commit any thing* de facto, *an other thing to determine what might be done* de iure. *I my ſelfe, ſaith* Siluester, *haue ſeen a Pope doe greater matters, with the ſcandall of whole Chriſtianity: and* Iohn de Tur. Crem. ſpeaking of vnlawfull diſpenſations, ſaith, *which if it ſhall ſo be at any time done by any Pope, being either ignorant in the Scriptures, or blinded with deſire of wealth, and mony, which is wont to be offered for ſuch exorbitant diſpenſations, or that he might pleaſe any man, it doth not follow that he might iuſtly doe thoſe things. The Church is gouerned or ought to be gouerned by Right and Lawes, not by ſuch actions or Examples.*

CHAP. XXVII.

THerefore it is the opinion of many learned men that the Pope cannot giue power to a religious Perſon to breake his vow, that he may haue the property of any goods or a wife, according to the true and ſimple ſence of *Innocentius* his words. And yet if we will diligently ſearch and conſider how much ſome things differ from other, and with a right iudgement to compare them together in the points wherein they properly agree or differ: there will be cauſe to confeſſe that the Pope hath far leſſe power giuen

uen him to absolue a People from the Religion of their oath, by which they haue willingly and frankely obleiged their faith to their Prince, then to dissolue the vowes of religious Persons, that although in this last point peraduenture, in some mens opinion, he may seeme to haue power to doe something *de plenitudine potestatis*, yet in the other we must thinke that he is able to doe iust nothing. Both for that the whole Order Monachall, and other Orders in the Church (as certaine thinke) haue proceeded from humane Constitutions, and the positiue law, ouer whom in that consideration the Pope hath full and all manner of power that may be, as we haue said a little before. But the submission and obedience due to Kings and Princes and all Magistrates and superiours is grounded vpon the law of Nature and of God, being confirmed by both the Testaments. For although it be a matter of humane law and ordination to vse this or that forme of Common-wealth or Gouernment, or to haue this or that Prince; but to reuerence him, whom we had once receiued, and submisly to obey him in all things, which are not contrary to Gods commandements, it is a matter not onely of humane, but also both of Naturall and Diuine institution. And this I thinke, no man will deny. *Qui potestati resistit, Dei ordinationi resistit.* Whereby it commeth to passe, that that which was free and arbitrary in the beginning, that is presently turned into a necessity of obedience after that one faith of subiection is giuen.

As also, because by the vow of religiont, he obligation is taken only to God and the Church, whereof the Pope is the Vicar, or deputed head: and therefore if the Pope, to whom the free procuration and dispensation of all the buisnesses of the Church is permitted, shall as it were in a fashion of renewing a bond, transfuse and change the obligation, taken to the Church, into another Obligation, and also doe interpret and consture that by the promise of a great good, (or performance) there is satisfaction

made, to the Lord God, who is the principall creditor in that buſineſſe, peraduenture it will not be very abſurd to ſay, that there may by chance prooue a liberation and freedome from the knot of the former vow and promiſe: vnleſſe ſome may thinke, that it cannot be for this cauſe, becauſe the tranſgreſſion of a lawfull vow, is ſimply and of his owne nature ſinfull, and that which is ſinfull may not be allowed to be donne to obtaine any good, although it be very great, [a] But the ſolution of that obiection is very eaſie.

[a] Rom 3.

But the matter ſtands farre otherwiſe in the caſe of an Oath, which men in their bargaines and couenants are wont to take to confirme and ratifie an other Obligation thereby. Seeing ſuch a manner of oath is a certaine increaſe of that obligation, to which it is added for ſecuritie, in ſuch manner as ſuertieſhip, or aſſurance of any Pledge or Moregage is vſually taken. And therefore although the oath be ſaid to be made to God, yet in this caſe the obligation doth accrew not to God principally, but to the perſon to whom the oath is ſworne: *quia per iuramentum iurans non intendebat placere Deo, ſed ſatisfacere proximo*[b]. Whereby it commeth to paſſe, that he to whom the Oath is taken, hath much more intereſt by that Oath, and obtaineth much more power either to retaine it, or to remit it, then is granted to the Church in a vow, for the Church or Pope, (euen as they confeſſe who ſubmit all things to his pleaſure) cannot without great and iuſt cauſe diſpenſe with the ſolemne vow of Religion. But he to whom an other hath by oath bound his faith in the matter of giuing or doing, may both alone, and without cauſe, of his meere pleaſure wholy free the Promiſer from the Religion of his Oath, and remit it to him, whatſoeuer it bee, of himſelfe; ſo as his onely leaue and good will obtained, neither is there any more need of the Popes abſolution, neither if he ſhall not performe that which he promiſed, may he be reputed guiltie of periurie before God. Therefore it is in

[b] Panorm. in cap. 1. nu. 4. de iureiur.

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a man in this Caſe, who can at his pleaſure either retaine one that is bound, or diſmiſſe him free, which becauſe they are ſo by the conſent of all men: how can it be, that the Pope may take from the Creditor againſt his will an Obligation taken to him by the beſt law that may be, I meane by the Law naturall, diuine and humane, by an oath euery manner of way lawfull, which was added to the lawfull contract? ſeing in this kind as in the former, there is no place left to Conſtruction by which it may be preſumed that he is ſatisfied, to whom principally the oath was made: viz. No Creditor ſpeaking a word againſt nor ſhewing the contrarie ſeeing preſumption yeeldeth to the truth [a].

[a] *L. vlt D. quod met. ca. l. continuum. 127 §. cum ita D. de verb. oblig.*

But let it be, that he may vpon cauſe take it away, and free the Promiſer from the bond of his Oath, (becauſe I wil not ſtriue longer with the Canoniſts about this matter) let him then take it away, and what then force after thinke you will ſeeme in this our buſineſſe? you will ſay that the people will be free from the commandement and ſubiection of the Prince, as ſoone as they are looſed from the bond of their oath. Thinke you ſo indeed? what doe you not ſee, that this Oath, is but an Acceſſarie onely, to ratifie and aſſure the Obligation, whereby loyaltie and obedience was promiſed to the Prince? doe you not know that Acceſſaries are taken away and diſcharged with auoiding of the principall Obligation, for although the principall being cancelled the Acceſſarie falles, yet by the taking away of the Acceſſaries the Principall is not deſtroied. Therefore the Obligation remaineth yet, to which this Oath was added: which becauſe it conſiſts vpon naturall and diuine Law, doth no leſſe ſtraitly hold the mindes and conſciences of men before God, then if it were ſupported with an Oath, *quia Dominus inter iuramentum & loquelam noſtram, nullam vult eſſe diſtantiam* [d], as much as concernes keeping faith of the promiſe. Although the breaker of his Oath offendeth more, by reaſon

[d] *Can. iuramenti. 22. q. 5.*

ſon of the contempt of God; and notwithſtanding that in the externall Court Periurie is more grieuouſly puniſhed, by reaſon of the ſolemnitie of the promiſe, then the faith neglected of a mans ſingle promiſe and bare word, as we ſay.

But if the Pope would alſo cancell this Obligation *de Apoſtolicæ poteſtatis plenitudine*, and deliuer and diſcharge the Subiects from the Oath of the King: and enioyne them *that they ſhould not dare to obey his requeſts, commandements and lawes vnder paine of Excommunication:* Shall not the expreſſe commandement of God ſeeme to contraueene this warrant of the Pope, I meane the commandement of the honoring of Kings with all obedience? Is it not lawfull in ſuch a buſineſſe and in a cauſe the greateſt almoſt that may be, to doe that which the Popes interpreters are accuſtomed to doe, in Controuerſies of leſſe moment? And that is, to make diligent and carefull inquiſition into this ſame *plenitudinem Poteſtatis*, whether it extend it ſelfe ſo farre, as that by it ſhould expreſly be forbidden, which God doth expreſly command? or that which God directly forbids to be done, the ſame may lawfully be commanded by it? God commandes mee by *Salomon* to feare the King: by his Apoſtles to honour the King, to be ſubiect and obedient to him. This ſurely is a commandement both of naturall and diuine Law: that the inferiour ſhould obey the ſuperiour, as long as hee forbiddeth not, who is ſuperiour to them both, in the ſame kind of power. And he in this buſineſſe betweene the people and the Prince, when the queſtion is about temporall authoritie and ſubiection, is God alone, then whom alone the King is leſſe in temporall matters, as in ſpirituall the Pope.

Seeing then all men doe ingenuouſly confeſſe, that this fulneſſe of the Apoſtolike power is not ſo great, that the Pope may in any ſort diſpenſe in thoſe things, which are bidden or forbidden by the expreſſe word of God (which

Axiome,

Axiome, or Propoſition *Bellarmine* chiefely reſteth on, while he would ſhew,

That the Pope cannot ſubiect himſelfe to the coactiue ſentence of Councels. The Popes power ouer all men is, (ſaith he) *by the law of God: but the Pope cannot diſpence in the law of God.* [e] Lib. 2. cap 18. de Concil.

We ought not to maruell a whit, if the Diuine commandements of fearing and honouring the King, are ſo deepely impreſſed in the mindes of many Subiects, that they giue no place to contrary precepts, but rather employ all their care that there be no obedience at all giuen to the aduerſe edicts of the Pope either abſolutory or prohibitory: It hath beene oft tould me by great Perſonages, and thoſe good-men, that that diuine Precept of honouring Kings, was of ſo great force with them, and had taken ſo deepe roote in their mindes, that they did perſwade themſelues, that by no Bulles nor contrary Indulgences they could be diſcharged of the ſcruple and weight of conſcience, and purchaſe ſecurity in the inner man, vz. their ſoules, that they ſhould not performe and execute ſo cleere and manifeſt a commandement of Natuarll and Diuine law, nor yeeld the obedience promiſed and due to their Prince. And this is the reaſon, why ſo few of the Nobility did make defection from *Henry* the 4. Emperour, none from *Phillip* the Faire, none alſo from *Lewes* the 12. both Kings of France, by reaſon of the Popes Bulles and Cenſures, contayning ſentence of Depoſition. For that we miſtake not any way we muſt vnderſtand, that this Plenitude of Apoſtolicall power, doth onely comprehend that power which the Lord Ieſus the ſonne of God, when he liued in the world, as a man amongſt men, was pleaſed to haue: and that ſo farre the Popes repreſent Chriſt vnto vs, and is his Vicar, (as we haue ſhewed aboue out of the doctrine of the moſt learned *Bellarmine*) but not that power which he as the ſonne of God, and God himſelfe, equall with the father had from all eternity, and reſerued to the omnipoten-

cie of his Diuinity. Whereof he ſaith, *All power is giuen me in Heauen and in Earth* [i].

[i] *Math. vlt.*

Although I ſee ſome play the fooles, or rather the madmen ſo much, that they affirme, that this Omnipotency is alſo giuen to the Pope, and to prooue the ſame doe ſpin out a notorious argument of their owne vanity, in this maner.

Chriſt committed to the Pope the deputation of his office, as it is Matth. 16. cap. & 24. q. 1. can. quodcunq;. But all power in Heauen and in Earth was giuen to Chriſt, Math. 28.

Ergo, *The Pope which is his Vicare hath this pewer. Extra de tranſlat. cap. quanto.*

So *Peter Bertrandus* in his additions [e] *Ad gloſſ. extrauag. Vnam ſanctam. de maior & obed.* Who alſo was ſo bould as to adde, that which is not far from blaſphemy.

For the Lord ſhould not ſeeme to haue beene wiſe or diſcreet (that I may ſpeake it with his reuerence) *vnleſſe hee had left ſuch a one behinde him, who could doe all theſe things.*

Had this man thinke you any braine? No maruell if *Io. Gerſon* ſaid, that *Puſillos, little ones*, that is to ſay, ſimple and ignorant Chriſtians, being deceiued by ſuch kind of vnskilfull Gloſſators and Poſtillators,

Eſtimare Papam vnum Deum, qui habet poteſtatem omnem in Cælo & in Terra.

Surely ſuch groſſe flatterers haue ſpoiled and corrupted the iudgement and liues of many Popes. Neither is it maruell, if *Pius* the fift the Pope, did tell *Martinus Aſpilineta*, *That the Lawyers*, (hee meant the Canoniſts, I thinke) *were accuſtomed to attribute a great deale too much power to the* [f] *Pope.* Of whom Iohn de Turre cremata,

It is a great wonder [h] (ſaith he) *that Popes doe ſpeake moderately of the power which is giuen them; Euen certaine paltry* Doctorculi, *without any true ground, will needs by flatterie make them equall with God.*

[f] *Nauarr. in commen. can. non licet Pape. 12. q. 2.*

[h] *In Can. conſiderent. 35. q. 2.*

To

To which appertaines that which the Cardinall of Cusa writeth, a man very conuersant in all Philosophie humane and diuine, and in storie besides; that certaine writers *being willing to exalt the Roman See, worthy of all praise, more a great deale then is expedient or comely for the holy Church, doe ground themselues on apocryphall writings*, and so deceiue both Popes and people.

Chap. XXVIII.

NOw the errour of these men, whereby they giue to the Pope all power both humane and diuine, was bredde partly out of the Apocryphall writings, as hath beene said; partly out of certaine rescripts of Popes, being conceiued more darkly then was cause, and wrong vnderstood, according to the letter, as they say. For, to speake the truth, there is no kinde of people more vnskilfull and ignorant, then these bare and meere Canonists are: which I would not haue vnderstood onely of the knowledge of liberall learning, and of the propertie of speech, for this kind of ignorance is to be borne withall in them, as the common fault of that age wherin they wrote: but euen of the knowledge of that very art which they professe, which they haue clouded and darkened with infinite varieties of distinctions and opinions. For the greatest part of them dwelt only in the Popes Canons and Constitutions, seeking none or very little outward helpe out of diuinitie and other sciences, as they should haue done. Those Rescripts whereof I speake, and which bredde errour in these men, are extant vnder the title of *De translatione Episcopi*,[a] wherein *Innocent* the third compareth the spirituall mariage, which is contracted betweene the Bishop and the Church, with the carnall mariage, which is betweene a man and a woman: first in that, because as the carnall matrimonie taketh her beginning from the Espousals, and is ratified by mariage, and consummate by commistion of bodies: *so also the spirituall*

[a] *Ca. 2. 3. & 4.*

contract of mariage, which is betweene the Bishop and the Church, is vnderstood to haue his beginning in the election, his ratifying in confirmation, and to bee consummate in consecration. Secondly in this, that the speech of our Lord and Sauiour in the Gospell, *Those whom God hath ioined, let not man separate,* is to be vnderstood of both the matrimonies, both carnall and spirituall. *Seeing therefore,* saith he, *the spirituall bond is stronger then the carnall, it ought not to be doubted, but that Almightie God hath reserued only to his iudgement the dissolution of the spirituall mariage which is betweene the Pope and the Church, who hath reserued only to his owne iudgement the dissolution of the carnall mariage, which is betweene the man and the woman: commanding, that whom God hath ioined together, man should not separate.* And againe: *As the bond of lawfull matrimonie, which is betweene man and wife, cannot bee dissolued by man, the Lord saying in the Gospell,* b *Those whom God hath ioined, let not man separate: so the spirituall contract of mariage, which is betweene the Pope and the Church, cannot bee dissolued without his authoritie, who is the Successor of Peter, and Vicar of Iesus Christ.*

b Matt. 19.

And lest any man should obiect, If God haue reserued to his owne only iudgement the dissolution of both the mariages, both carnall and spirituall, and the spirituall bond is stronger then the carnall: how can it be, that the Pope, who is surely but a man, can dissolue that spirituall bond? *Innocentius* answereth in that place, that it is done in that regard, because they are separated, not by humane, but by diuine power, who by the authoritie of the Bishop of Rome *are remoued from the Church, by translation, deposition, or cession. For,* quoth he, *not man, but God doth separate; whom the Bishop of Rome* (*who beareth the person not of a pure man, but of the true God in earth*) *weighing the necessitie or profit of the Church, dissolueth, not by humane, but rather by diuine authoritie.* Thus he.

These manner of speeches, and the cause that these men are carried headlong in that errour, that they suppose

poſe, whatſoeuer is done by the Pope, is done by God himſelfe, becauſe the words of *Innocent* ſeeme to carrie this meaning. I confeſſe, that there is no place in the whole Pontificiall Law more plaine and open for the words, nor more hard for the ſenſe, that in expounding the ſame, the wits of all Interpreters doe faile. For what can be ſpoken more vnderſtandatly, plainly, and cleerely then this; *That not man, but God doth ſeparate thoſe whom the Biſhop of Rome doth ſeparate or diſſolue?* Or what followeth more rightly of any thing, then this of that poſition: *Ergo, that the Biſhop of Rome may diſſolue matrimonie, which is conſummate, carnali copula, betweene maried perſons?* And yet there is nothing more falſe then this concluſion; and therefore wee muſt confeſſe, that that whereof it followeth, is falſe alſo, becauſe that which is falſe can neuer follow of that which is true. Which when *Hoſtienſis* had obſerued, when (I ſay) hee had conſidered the inconſequence of that reaſon: [c] *But that reaſon*, quoth he, *ſauing his authoritie and reuerence that gaue it, is not ſufficient, vnleſſe it be otherwiſe vnderſtood: for by that it would follow, that bee might alſo by his authoritie diuide carnall matrimonie.* But for all that, *Hoſtienſis* doth not tell vs how this geare ought to bee vnderſtood otherwiſe: neither can hee extricate himſelfe from hence, that hee may maintaine his opinion with the preſeruation of the truth. For, that he ſuppoſeth it might be vnderſtood of carnall matrimonie, *becauſe*, as he ſaith, *before carnall copulation by a common conſent, it may be diſſolued, the Popes authoritie comming betweene: arg. cap. 2 & cap. ex publico de conuerſ. coniugat.* Surely this interpretation is void of all authoritie and reaſon: for as touching the reſcripts alleged by him, and if there be any ſuch like, they ſpeake of that diſſolution of matrimonie which is made by election of religion, and when one of the maried perſons entreth into a Monaſterie, before their bodies be commixed *nuptialis thori amplexibus*: in which caſe there is no neede of the Popes authoritie to interuene, or any pon-

[c] *In ſumme de electi. nu. 25.*

tificiall dispensation: but that they are warranted by meere right, and the common helpe of the law, who in that manner doe procure a separation, and breake off matrimonie. [d] But that a matrimonie ratified, and not yet consummate, may vpon another cause bee dissolued by the authoritie of the Pope, by the common dissent of the parties, that wee are to denie constantly, and that according to the most learned Diuines. For the coniunction and commistion of bodies doth neither adde nor take away any thing from the substance and ἰσία, or essence of matrimonie: for the forme of matrimonie consisteth in the declaration of the indiuided coniunction, and consent of mindes, whereby they doe naturally giue themselues one to the other. But the procreation of children, and the bed-fellowship for that cause, is referred not to the constitution of matrimonie, but to the end [e]. Hence is it said by the heathen, that *Nuptias non concubitus, sed consensus facit: Not the fellowship of the bedde, but the consent of the mindes makes mariages* [f]. And the same is confirmed by the sacred Canons and Constitutions [g]. Otherwise surely that first mariage, which God instituted in Paradise, was not a mariage, vntill the maried persons being cast out from thence, began to prouide for issue: then which what can be more absurd? Moreouer, there is no Constitution or Tradition of the Church, no authoritie of Fathers, no decretall Epistle of the Pope, in a word, there is no certaine and solid reason to bee found, which doth except from that sentence of our Sauiour, matrimonie ratified, although not consummate: *Quos Deus coniunxit, homo ne separet.* Nay and hee cannot except, vnlesse it be true, that they, who being contracted, are in the face of the Church ioined in the Sacrament of matrimonie, are not ioined by God.

But there is in this matter, as in others, so great either ignorance or flatterie of diuers Interpreters of the pontificiall Law, that they are not ashamed to auerre, that not onely matrimonie ratified, but not consummate, (and that

[d] *Cap. ex parte 14. §. Nos tamen. & d. cap. 2. de conuers. coniugat.*

[e] *D. Thom. 3. q. 29. art 2. in concluſ.*

[f] *L. nuptias D. de reg. iur.*

[g] *Can. ſufficiat. can. cùm initiatur 27 q. 2. cap. cum locum. de ſponſ. & matr.*

that against the common iudgement of the Diuines, but also Matrimony both ratified and consummated by carnall coniunction, may be dissolued by the Pope, aswell as by God himselfe:[h] which if it should bee true, how weake the bond of Matrimonie would proue amongst them, who haue grace and power with the Pope, or otherwise may corrupt him with bribes, being blinded with desire of money, I leaue to others to iudge. But there is no cause, why they should thinke that their opinion is strengthned by the former rescripts of *Innocentius*: seeing the Pope himselfe in an other place expresly saith,[i] that Matrimonie betweene lawfull persons, with words of the present time, *Contracted, may in no case bee dissolued, except before that mariage bee consummated by carnall copulation*, one of the maried persons passe ouer into religion. For it is not credible, that so learned and godly a Bishop, had either so sodainely forgot himselfe, or wittingly had published opinions so iarring and dissenting one from the other. Therefore there must some other meaning bee sought of these rescripts of *Innocentius*.

[h] *Vide Couarruuiam de matrim. part. 2. §. 4. vbi id notat & reprehendit.*

[i] *Cap. ex parte 4 § not aute m. de conuers. coniugat.*

Chap. XXIX.

NOw, if any aske my opinion, and interpretation of them, I am not afraid to say, as in a matter of this obscurity, that I am at a stand; notwithstanding, that I doe thinke, that the difference in them is *λόγῳ φαινομένῳ*, that is, that the mind of this good Bishop, and the sense of the wordes doe differ; which oft times fals out in the writings of Law-makers, when as either they doe vse words not so fitte for to expresse their meaning, or do omit some necessary particle, or exception, for to make the constitution plaine, and entire; for otherwise it is not likely, that hee who denieth, that the Pope may graunt licence to a Moncke, that he may haue propertie of goods, or marry a wife; would affirme, that the Pope

may dissolue the Sacrament of mariage, I meane Matrimony ratified and consummate. What is the matter then? I will speake what I thinke: I haue obserued, that *Innocentius* hath with that subtlety and fineneſſe tempered his doctrine, that although hee compare each mariage in this, that they are dissolued by the iudgement of God onely: yet, where he speakes of the power of the chiefe Bishop, and Vicar of Iesu Christ, he conioineth them together no more, nor makes mention of carnall matrimony, but onely of spirituall: which not deemed to be separated by man, but by God himselfe; then when as the Bishop of Rome *dissolueth the same, the necessity or commodity of the Church well considered, not out of humane, but rather out of diuine authority by translation, deposition, or cession*; by which silence, and omission of carnall Matrimony, he doth sufficiently implie, that in the manner of separation, it doth differ, and is secretly excepted from the spirituall matrimony: that the Pontificiall authoritie doth not extend to the dissolution of this, viz. the carnall, as if hee had spoken more plainely in this manner. God hath reserued to his own iudgement, the dissolution, as well of the carnall, as of the spirituall matrimony: notwithstanding, the Bishop of Rome, who is the Vicar of Christ, and successor of *Peter, the necessity or commoditie of the Churches, &c.* may dissolue them: which when he doth, *not man but God doth separate*, whose Person the Pope beareth in earth. Now, why the Pope may dissolue a spirituall mariage, and not a carnall also, the reason is plaine and easie: becauſe the spirituall matrimony of it selfe, and euerie way doth belong to the ordination, gouernement, and œconomie of the Church, which Christ hath wholy commended to *Peter* and his successors. And therefore hee must needs seeme to haue granted to them this power to dissolue spirituall mariage, seeing they are not able without it to execute, and discharge the office committed to them[a]. And therefore whatsoeuer the Popes them

[a] *L. 1. D. de iurisd.*

themselues, as Hierarches, that is spirituall Gouernors, doe dispose and decree of the seuerall matters & persons of the Church, wee must belieue that God doth dispose and decree the same, who hath by name committed this dispensation, and procuration to them.

But carnall matrimony was instituted, not for the ordination of the Church, but onely for procreation of issue [b]: and for that cause it is said to bee of the law of nature, and to be common to all nations and countries: neither doth it in any other respect belong to the notice of the Church, but that it is a * Sacrament in the new law, containing the mysterie of God and the soule, of Christ and the Church. And therefore there was no necessity to permit to *Peter* and his successors, the power to dissolue the same. They haue inough to discerne & iudge, if it be a mariage, that they may know if it bee a sacrament. Therefore, although the Pope may auaile very much in the contracting of a mariage, viz. by remouing all impediments, which doe arise out of the positiue law, and ecclesiasticall constitutions, and giue order, that it may duly and rightly be contracted, which otherwise were neither lawfull nor firme: yet when as either through the common law permitting, or the Pope dispensing in cases prohibited, it was contracted, hath no power for any cause in the world, to relaxe and dissolue the same. Neither doth it belong to the matter, that in Courts and iudgements Ecclesiasticall, we see often that separation is made of those persons, as haue liued a long time together, vnder the conceit and shew of mariage. For neither the Pope in that case, nor the Iudge delegated by the Popes authority, doth dissolue any matrimony: but by his iudgement declareth, that the matrimony, which indeede was contracted *de facto*, or was falsly supposed to be a mariage, was no mariage at all: & enioyneth persons that are not lawfully coupled together, because without sin they may not entertaine that societie together, to depart one from an other.

L. Si iter. D. deseruit. L. 3. § qui habet. D. de seruit. præd. rustic. cap. 5. de offic. iud. dele.

b *Aug. li. 14. de ciuit. Dei. ca. 18. Thom. 2. 2. q. 154. art. 2.*

* See the admonition to the Reader.

ther, and to forbeare their accuſtomed acquaintance. But this is not to diſſolue Matrimony, or to ſeparate perſons lawfully ioined, as concerning the bond of mariage. Whereby it is euident, that both *Innocentius* the Interpreter, who afterward was the IIII. Pope of that name, and alſo *Ioh. Andr.* (who is called the fountaine and trumpet of the Canon law) hath very fooliſhly interpreted this part of the reſcript of *Innocentius* the III. *Whome God hath ioined, let no man ſeparate. Of their owne authority* ſay they: *but man doth not ſeparate carnall matrimony, when the Biſhop or the Archdeacon doth diſſolue it by the Conſtitutions of the Pope, but God himſelfe, by whoſe authority thoſe conſtitutions were made.* As though Matrimonie might be diſſolued by the conſtitutions of the Pope? Indeed the conſtitutions of the Pope may hinder, that mariage may not bee lawfully contracted betweene certaine perſons, and make a nullitie in the law, becauſe it was not contracted by the diſpoſition of the ſame conſtitutions. But to diſtract and diuide a mariage which is lawfully contracted, & to breake or looſe the band, no conſtitution either of Pope or church can do. Otherwiſe the Apoſtle in thoſe words; [d] *The woman is bound to the law ſo long time as her husband liueth, but if her husband doe ſleepe ſhe is free:* I ſay he did ill to make mention of death onely; if ſhee may be free by ſome other meanes, viz. the Popes conſtitutions, the mariage it ſelfe being diſſolued. And now ſince theſe things are thus, it is time to returne from this by-way, into which the vnreaſonable flattery, and ignorance of certain Doctors hath drawne vs, into that path from whence wee haue digreſſed.

d 1. Cor. 7.

CHAP. XXX.

IT is now poſitiuely ſet downe, and affirmed by the conſent of all who can rightly indge of diuine matters, that the Pope cannot make grace to any, of the naturall

naturall and diuine law; or, as we vſually ſpeake now a dayes, cannot diſpenſe againſt the law of nature, and of God: and grant that that may bee done without guilt, which God and nature haue forbidden; or forbid leſt that ſhould be done which God hath expreſly commanded to be done; and this not onely the Diuines, but alſo the Canoniſts of the better ſort, doe very earneſtly maintaine. Therefore this is a moſt grounded Axiome, whereon the weight of this whole diſputation doth depend, and whereon is grounded the ſolution of that argument, which wee haue tranſcribed out of *Bellarmine* aboue in the beginning of the 25. Chapter. Surely, we do admit his propoſition, which is, *That it is neceſſary for a Paſtor to haue power about the Wolues, that hee may driue them away, by all the meanes he is able.* Wee admit alſo the Aſſumption. *That the Wolues which deſtroy and waſte the Church of God, are heretickes.* Where hee concludeth in this manner. *Ergo, If a Prince, of a ſheepe, or ramme, turne Wolfe; that is to ſay, of a Chriſtian turne an heretick, the Paſtor of the Church may driue him away by excommunication, and alſo may charge the people, that they doe not follow him, and therefore may deprive him of dominion ouer his ſubiects.* Surely, a very vnſound collection. Inſtead whereof, in good Logicke, ſhould bee put this concluſion: *Ergo, If any Prince, of a ſheepe, or a ramme, turne Wolfe, the Paſtor of the Church may driue him away by all the meanes hee can.* For this ariſeth rightly out of the former Propoſitions, and therefore if we grant them it cannot bee denied. Therefore all this is true; and wee grant it all: but yet that which hee annecteth and knitteth to this concluſion, is neither agreeable nor conſequent, which is, *that the Paſtor may enioine the people, &c.* For to be able, or not to be able (*poſſe*) where the right and equity is diſputed, ought to bee vnderſtoode not of the mere act, but of the power, which is lawfully permitted, and which agreeth with law and reaſon. So as in this caſe the Pope may be ſaid to be able to do that,

which hee is able to doe iustly and honestly[a]. And so the matter is brought about, as we are enforced to enquire, whether the Pope by the plenitude of his Apostolicke power, as they speake, can command & enioine subiects, that *they dare not be so bold as to obey the edicts, commandements, lawes of their Prince vnder paine of excommunication.* And if he shall *de facto* commaund the law, whether the Subiects are bound to obey any such commandement of the Pope. Surely, as I touched in the beginning; for the Affirmatiue, I could neuer in my life, either my selfe find a waighty argument, nor light vpon any inuented by an other: But the contrary proposition is strongly maintained, being built vpon the foundation which we spake of ere while; viz. That the Pope cannot in any sort dispense against a law of nature, and of God. Vpon which ground is raised a most firme argument in my opinion, which is concluded in this forme.

[a] Id posse. a L. filius 15. D. de condit. instit.

The Pope can commaund or dispense in nothing against the law Naturall and Diuine.

But to commaund or dispense in the matter of subiection and obedience due to Princes, is against law naturall and Diuine.

Ergo, The Pope cannot commaund or dispense in the same: and by consequence cannot commaund the subiects, that they doe not obey their temporall Prince, in that wherein the Prince is superiour to him: and if he shall de facto *commaund, it shall be lawfull for the subiects to disobey him with safety and good conscience, as one that presumes to giue lawes without the compasse of his territory, or iurisdiction.*

Both the Propositions are most certaine. Out of which the Conclusion is induced by a necessary consecution. He that shall weaken the force of this Argument, shall doe mee a very great pleasure, and make me beholding to him. For my part, that I may ingenuously confesse my slender wit, I doe not see in the world how it can bee

checked

checked by any ſound reaſon; for though it may bee ſaid, that obedience due to a ſuperiour may bee reſtrained and hindered by him who is ſuperiour to that ſuperiour, and that the Pope who is Father of all Chriſtians, is ſuperiour to all Kings and Princes Chriſtian, in this, that he is Father, and therefore that hee may of his owne authority inhibite and reſtraine, that the ſubiects doe not performe the reuerence and obedience due and promiſed to the Prince; yet this reaſon is like a painted ordinance, not able to beat down the ſtrength of the former concluſion. Seeing this which is ſaid, that obedience due to a ſuperiour may be diminiſhed or reſtrained, or taken away by his commaundement, who is ſuperiour to that ſuperiour: this is true onely then, when he who forbiddeth it is ſuperiour in the ſame kind, and line of power and ſuperiority; or in thoſe things, wherein obedience is due. As for example, the King may take frō the Lieutenant of his Armie his commaund, and giue charge that the Armie obey him no more; and the Lieutenant may vpon cauſe commaund that the ſouldier obey not the Tribune, nor the Tribune the Centurion, nor the Centurion the Decurion. For that all theſe in the ſame kind, I meane about militarie gouernment & diſcipline, but one aboue an other, are ſuperiour according to the order of dignity. The ſame is true in the orders of the heauenly warfare, and of the eccleſiaſticall Hierarchie. But the obedience of the ſubiects towards the Prince, whereof wee ſpeake; conſiſteth in temporall matters, wherein the Popes themſelues confeſſe, that there is none aboue the Prince [b]. But if none bee aboue him in temporalities, ſurely it followeth, that there is none that may forbid or hinder the ſubiection and obedience which is due to him from his ſubiects in temporalities.

[b] *Cap. per Venerabilem. qui fil. ſunt legit.*

I haue ſhewed aboue that theſe powers the ſpirituall and temporall, are ſo diſtinct; that neither, as it is ſuch, doth commaund or ſerue the other. And

that they are not to be regarded, who flie to their ſtarting holes of diſtinctions and quirkes, or rather thoſe ſnares, of verball captions, by theſe words, *directè & indirectè*. For it is moſt ſure, that hee hath a ſuperiour in temporalties, whome an other may in any ſort commaund about temporall matters: or who in temporall cauſes may bee iudged directly or indirectly by an other. For iudgement is giuen of one againſt his will[c]. And no man is iudged but of his ſuperiour. Becauſe an equall hath no commaund ouer an equall[d]. And indeed, for the effect and iſſue of the matter, there is no difference at all; whether one haue authority and power ouer an other, directly or indirectly. For in thoſe wordes, *directè & indirectè*, or if you pleaſe, directly, and obliquely, the difference is propounded to vs onely in the maner and way, or order of obtaining and comming by the former, but not in the liberty, force and effect of exerciſing, and executing the ſame. But good God? what can bee ſaid more vnreaſonably, or more contrary to the ſelfe then this: that a King hath no ſuperiour in temporalties; but is free from all bands of offences, nor is brought to puniſhment by any lawes, which all antiquitie, and the whole Church hath euer held: and againe, that the Pope vpon cauſe, or in ſome manner, that is to ſay, Indirectly, is ſuperiour to the King in temporalties, and may puniſh him with temporall puniſhments, that is, with loſſe of kingdom & rule, yea & life alſo? For after that he is once deiected & throwndown from his throne by the Pope, and reduced to the condition of a priuate man, what remaineth, but that he ſhould vndergoe the laſt iſſue of this malice? and that is, either to prouide for his ſafety by ſpeedy flight, and ſo liue a miſerable life out of his Countrey; or if hee doe not in this manner prouide for himſelfe, hee will forthwith bee arraigned and conuinced in publike iudgment, and then fall into the hands of a Gaoler, or an Executioner, and ſo there will be an end of him. Now there is in this power, which

c *L. inter ſtipulantem. 83. §. 1. de verb. obl.*

d *L. 4. D. de recept. qui arbitr. l. ille a quo § tempeſtiuum. D. ad Sc. Treb.*

which these good fellowes doe attribute indirectly to the Pope, a soueraigne, free, and vncontrolled libertie to oppresse, and to exercise tyrannie, euen ouer good and innocent Kings. For first of all they ordaine, *That it belongeth to the Pope to iudge, if a King be to be deposed or not to be deposed.* Secondly, that there is no appeale from his iudgement, *Because he alone iudgeth all men, and is iudged of no man.* And so should it be in the power and pleasure of a malitious Pope, whensoeuer he conceiueth and burneth with any priuate hatred against any King, though he be neuer so good, to pretend some occasion or other of an indirect prerogatiue, that hee may turne him out of his Kingdome, and reduce him to the estate of a priuate man. Which I would not speake in this place, (for I would not presage so hardly of the Gouernours of the holy See) but that all the world doth vnderstand, that the same hath in former ages beene practised by diuers Popes. And it is not yet aboue the age of a good olde man, since *Iulius* the II. did most wickedly and vniustly take from *Iohn* King of Nauarre, his Kingdome by *Ferdinando* of Aragon, by this very pretence of the Papall authoritie, the same *Iohn* being not guiltie, or conuinced of any crime, but onely because he fauoured *Lewes* the French King. And if to doe matters of this nature, is not to be superiour in temporall affaires, I would gladly learne of these great Masters, what it is to be a superiour. One thing I know (if this opinion of theirs bee true) that the Pope is able to doe more against Kings indirectly, then if he should haue directly any command ouer them. Of which point we haue spoken something before [s].

If therefore the Pope, *de Apostolica potestatis plenitudine*, shall goe about by his Decree or Bull, to forbidde them to obey their King, may not all the people againe, or some in the peoples behalfe, answer the Pope in this manner: Holy Father, You are not aboue our King in temporalties; and in that respect, you cannot hinder the temporall obedience which wee performe vnto him.

[s] *Cap.* 12.

The answer of the people to the Pope commanding to disobey their King.

Why doe you forbidde vs to doe that which God commands vs to doe ? Is it becauſe it is at your pleaſure to interprete the will of God, comprehended in the diuine Law, and in the Scriptures ? But notwithſtanding there muſt no ſuch interpretation bee made, as doth wholly make the law void, and vtterly doth deſtroy and diſſolue the commandement. If there be any thing doubtfull or darke in the Law of God, wee preſently flie to the See of *Peter*, that is, to the See which you now doe hold, to receiue the interpretation of the truth : but that which is cleere and manifeſt of it ſelfe, that needeth no light of any interpretation. Seeing then our Lord and Sauiour commands vs, *to giue to Caſar thoſe things which are Caſars, and to God thoſe things which are Gods* ; and after by his Apoſtle, *to be ſubiect to Princes and Powers, and to bee obedient to them :* It is your part to declare vnto vs what things be *Caſars*, that is to ſay, what things belong to our King, and what be Gods; that both of them may haue that which belongeth to them : and in this diſtinction of things we will willingly heare your voice. But when you ſay, I will haue you giue nothing to *Caſar*, or to your Prince, you contradict Chriſt, and therefore wee heare not your voice. Wee doe indeede confeſſe, and profeſſe alſo, that the expoſition and interpretation of your Holineſſe ſhould take place touching the obſeruation of the diuine Law : but we affirme abſolutely, that that is not to be receiued, which maketh a ſcorne both of the Law of God, and of Nature, and bringeth the ſame into contempt. As for example, not to digreſſe from the matter we haue in hand : We are commanded to obey our Princes and Magiſtrates: in the obſeruation of this commandement, we as obedient children, doe willingly embrace your expoſitions and reſtraints, which doe not quite deſtroy and extinguiſh the Commandement it ſelfe : as when you ſay, that from hence there growes no obligation to obey Kings, but in thoſe matters which belong to their temporall iuriſdiction : that all ſpirituall things

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are to bee reserued to the Vicar of Christ, and to the Church. Also, when as you doe aduertise vs, that wee ought not to yeeld obedience to the King in that which he commands against the Law of God, or Nature, or which otherwise is repugnant to good manners. But when as you simply and absolutely command vs, *that we doe not in any sort obey our lawfull Prince, or any of his charges, commandements, and lawes*: wee may not obey this commandement of yours, because this is not to interprete the Commandement of God, which is granted to your Holinesse, but vtterly to abrogate and ouerthrow the same, which you cannot doe by any meanes. Christ when he deliuered to *Peter* the keies of the kingdome of heauen, did not giue him power [h] *faciendi de peccato non peccatum*, that is to say, *that which is sinne, to make it to be none*. Therefore in this point we will follow the common doctrine of the Canonists: *That we ought not to obey the Popes commandement, if either it bee vniust, or that many mischiefes or scandals are likely to ensue thereof, or else the disturbance and disquietnesse of the state of the Church and the Christian Common-wealth be likely to grow of the same*: and therefore, *if the Pope should command any thing to religious men, which were against the substance of order*, that is, *which should bee contrarie to the rule professed by them, they are not bound to obey it*, (as *Felinus* interpreteth *in cap. accepimus. de fid. instrum. & cap. si quando. de rescript*) as the same *Innocent* teacheth [k] elsewhere: whom *Martin* of *Carats* in his tractate *De Principibus, quæst.* 408. and *Felinus in d. cap. si quando*, and *d. cap. accepimus*, doth report and follow. How much lesse then ought the subiects of Kings to giue care to the Pope, going about to withdraw them from the obedience which is due to their King by the law of God and Nature, and confirmed with the most straight obligation of an oath? If you will vs to withdraw our neckes from the yoke and seruice of our King for this cause, because a spirituall good is hindred by our obedience, which is giuen to him by vs: wee answer, that

[h] *Felin. in cap. si quando, nu. 4. de rescript.*

[k] *In cap. ne Dei 43. de Simon.*

that this mischiefe, whatsoeuer it bee, chanceth to fall out by some accident: for simply and of it selfe, euill cannot grow out of good, nor good out of euill. Now wee haue against our willes committed that accident, but we cannot hinder it. Wee discharge the dutie due to our King: *and according to patience in doing well, wee seeke glorie honour, and immortalitie*.[m] He if he abuse the obedience due vnto him, and so great a benefit of God, hee shall feele God to be a most sharpe Judge and Reuenger ouer him. But it is not lawfull for vs to forsake our dutie, and to transgresse the commandement of God, that euen a very great good should follow thereby, lest wee purchase to our selues the damnation which the Apostle doth denounce. He that commands to obey our Kings, and to yeeld to *Cæsar* those things which be *Cæsars*, putteth no distinction betweene good and euill Princes, and therefore ought not we to make any distinction.[n] If, as *B. Augustine* teacheth, *hee who* * *hath vowed continence to God, ought by no meanes to offend, euen with this recompence, that he beleeueth he may lawfully marie a wife, because she who desires to marie with him, hath promised that shee will bee a Christian, and so may purchase to Christ the soule of a woman, which lieth in the death of infidelitie, who if shee marie him, is ready to proone a Christian*: What excuse shall wee vse to God, if wee for the hope of some contingent good, should violate the religion and faith of our Oaths, which wee haue giuen to God and our King? For there is nothing more precious then a soule, for which our Lord and Sauiour hath vouchsafed to die. And therefore if we may not sinne to gaine that to Christ, for what cause shal it be lawfull for vs to sinne?

[m] *Rom. 2.*

[n] *L. de pretio. D. de publ. in rem. act.*

* See the admonition to the Reader.

Moreouer, in that you say, that you doe free vs, and pronounce vs free from the bond of this dutie; that taketh not from vs all scruple of conscience, but causeth vs to hang in suspence, and the more to doubt of your authoritie; because wee know that the commaundement, wherein you promise to dispence with vs, is ratified

fied by the law of God and Nature; and that your Holineſſe can neuer, no not by vertue of the fulneſſe of your power, diſpenſe with any in the law of God and Nature. Therefore wee will obey you in ſpirituall matters, and the King in temporall matters. God commands both: wee will performe both. To be ſhort, the comminations and threatnings, which you inſert in your Mandate, we doe wonder at ſurely, and in ſome part we feare them: but yet we are not altogether ſo fearefull, as to bee more afraid of them then we ought, or that we ſhould be ſo terrified with them, as for feare of an vniuſt Excommunication, to denie to our King the iuſt and lawfull obedience which is due vnto him. For although it bee a common ſpeech, *that euery Excommunication is to bee feared*; [n] yet we ought to know, *that an vniuſt Excommunication hurteth not him againſt whom it is denounced, but rather him by whom it is denounced.* [p] Therefore if you ſtrike vs with the edge of your Excommunication, becauſe we will not at your commandement tranſgreſſe the Commandement of God, and *malum facere*; your malediction and curſe ſhalbe turned into a bleſſing, ſo as although we may ſeeme to be bound outwardly, yet inwardly wee remaine as it were looſed and innocent.

[n] *Can. ſententia. can. qui iuſtas* 11. q. 3.
[p] *Can. quomodo. can illud* 11. q. 3. *can. certum* 24. q. 3.

Theſe and ſuch like, are the reaſons which haue ſo ſettled the faith, as well of the Clergie as Nobilitie, and euen of the whole Commons of *France*, toward their Kings, that they haue reſolutely withſtood certaine Popes, who haue earneſtly laboured to withdraw them from their loyaltie, and obedience of their Kings; and haue ſcorned the Popes Bulles, and the ſentence of depoſition and depriuation from the kingdome: nay more, that they haue not beleeued therefore, not without reaſon, that they are bound by any Eccleſiaſtique Cenſures, or may iuſtly bee enwrapped in any bonds of Anathema or Excommunication. For my part, ſurely I doe not ſee what may iuſtly bee blamed in the former anſwer and defenſe of the people, vnleſſe it be imputed to them, and be ſuf-

ficient to conuince them of contumacie, becauſe they doe not by and by put in execution, without all delay, or examination of the equitie, euery commandement of the Pope, as though it were deliuered euen by the voice of God himſelfe; which I thinke none in his right wits will iudge. As for the other points, they are grounded on moſt firme demonſtrations, moſt ſound reaſons and arguments, and reaſons of diuine and humane law: viz. *That it is the commandement of God, that honour and obedience ſhould be yeelded to Kings and Princes, no difference or diſtinction of good and wicked Princes in that point being propounded:* That all the authoritie of the Pope conſiſteth in ſpirituall matters: That temporall affaires are left to ſecular Kings and Princes. That the Pope is not ſuperiour to Kings in temporall matters, and therefore that he cannot puniſh them with temporal puniſhments. Laſtly, that the Pope can in no ſort diſpenſe againſt the Law of Nature and of God, whereby this obedience is commanded the ſubiects toward the Prince: and for that cauſe can neither abſolue and diſcharge the ſubiects from that obligation, nor by iuſt excommunication cenſure them, who doe not obey him when he forbiddeth them to giue lawfull obedience to the Prince. Al which points are ſeuerally and diſtinctly concluded before with authorities, teſtimonies, and arguments, which in my opinion cannot be anſwered; which notwithſtanding I will leaue to the iudgement of the Church. For this is my minde and reſolution, to ſubmit my ſelfe and all mine to the cenſure and iudgement of my moſt holy Mother.

Chap. XXXI.

THoſe things which hitherto haue beene deliuered by vs, of the ſoueraigne authoritie of Kings and Princes, and of the dutie which is not to bee denied to them in all things, which are not repugnant to Gods Commandements, and to good manners: they are confirmed

firmed by the continual and solemne obseruation of the ancient Fathers, and the whole Church. For although they had great opportunitie and meanes to pull downe and to detect from their gouernment wicked Christian Princes, by whom they had beene wronged with priuate and publike iniuries, yet in no maner did they moue any question against them touching their authoritie and rule: they denied them no parcell of humane obsequie and obedience. Only they wisely, freely, and stoutly resisted their errours. And so holding the multitude in their dutie towards God and their King, they obserued both precepts, of fearing God, and honouring the King. And in very deede this is the principall remedie to preserue mens mindes from slipping, and reuoke them from errour; and the most ready way and meane to reduce Kings and Princes, being furiously caried headlong with a frenticke heresie, from immanitie and fiercenesse, to courtesie and mildnesse; from errour to truth, from heresie to the faith: which course the ancient Fathers euer held in such like cases: which if the other Popes had followed in these latter ages, and had not arrogated to themselues that same insolent, and proud, and hatefull domination ouer Kings and Emperours in temporall matters, it had gone better then at this time it doth with the Christian Common-wealth: and peraduenture those heresies wherewith wee are now sore pressed, might haue beene strangled in the very cradle.

For euen the issue and the euent of businesse to this day, doth sufficiently teach, that the Popes doe little or nothing auaile, while they hold this high, slipperie, and steepe headlong way; but that they doe more times raise troubles, schismes, and warres, by this meane in Christian Countries, then propagate the faith of Christ, or increase the profit, and enlarge the liberty of the Church. How vnprofitable and hurtfull to the Christian Common-wealth that assault was of *Gregorie* the VII. vpon *Henrie* the IV. (which *Gregorie* was the first of all the

Popes that euer aduentured this high course) wee haue sufficiently declared before. But who is ignorant how that same furious aggression and censure of *Boniface* the VIII. vpon *Philip* the Faire, how little it profited, nay how much it hurt the Church? Likewise that of *Iulius* the II. against *Lewes* the XII. both Kings of France? of *Clement* the VII. and *Paulus* the III. against *Henrie* the VIII. and of *Pius Quintus* against *Elizabeth*, Kings of England? Did not all these Princes, not onely not acknowledge, but also contemne and laugh to scorne that same papall imperiousnesse, carried beyond the bounds of a spirituall iurisdiction, as meere arrogation, and an vsurped domination? For the two last Popes, I dare bee bold to affirme vpon a cleere ground, (for the matter is knowne to all the world) that they were the cause that Religion was lost in England: for that they tooke vpon them to vsurpe and practise so odious and so large a iurisdiction ouer the Prince and people of that kingdome. Therefore how much more iustly and wisely did *Clement* the VIII. who chose rather by a spirituall and fatherly charitie, and a vertue agreeable to his name, to erect and establish the state of the French Kingdome, which began to stagger and sway in religion, then to contend by this same haughty and threatning authority of a temporall iurisdiction? becausse hee knew that seldome or neuer it had happie issue.

Out of doubt, for Kings and Princes, who glory not without cause, that they are beholding onely to God, & the Sword for their Kingdomes and principalities, it is proper to them of a naturall greatnes of mind, to desire rather to die with honour, then to submit their sceptres to an others authority, and to acknowledge any iudge & superiour in temporall matters. And for that cause it seemeth not to be good for the Church, and Christian common-wealth, that the Pope should be inuested in so great an authority ouer secular Princes, by reason of the manifold slaughters, miseries, and lamentable changes

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of Religion, and of all things besides, which do spring from thence. In which consideration, I cannot but wonder at the weake iudgement of some men, who take themselues to be very wise, who to remoue from the Pope the enuie of so hatefull a power, and to mitigate & allay the indignation of Kinges whome it offendeth so much; are not afraide to giue out, and to publish in bookes scattered abroad [a], that this temporall prerogatiue of the Pope ouer Kings, is passing profitable euen for the Kings thēselus: because as they say, mē somtimes are kept in compasse, more through the feare of loosing temporall, then of spirituall estates. An excellent reason surely, and worthy of them, who put no difference betweene Princes and priuate persons, and measure all with one foot. Surely, these men reach so farre in vnderstanding, that they vnderstand nothing at all. As though that feare wich falles vpon priuate persons, is wont to possesse also the minds of Princes: who hold themselues sufficiently protected and armed with the onely authority of their gouernment against all power and strength, and impression of any man. That reason ought onely to be referred to them, whom the terrour of temporall authority, and the seuerity of ordinary iurisdiction, do reclaime from offending with feare of punishment; for these kind of people (because they are sure that if they offend, they shall be chastised with some pecuniarie or corporall mult) doe for the most part abstaine from doing hurt, not for conscience, but for the displeasure, and feare of the losse of temporall thinges. But Kings haue not the same reason, but being placed on high aboue all humane constitutions, and all positiue lawes, doe giue vnto God onely the account of their administration, whose punishment the longer it is in cōming, the more seuere it is like to bee. Against priuate persons the execution of punishment is ready, which they cannot auoid without the mercy of the Prince. But what execution can bee done against Princes, seeing they are

[a] *Ju libello qui Gallicè inscribitur, La verité desendue cōtre le pladoyé d' Anthonie Arnauld.*

not tied by any sanctions of humane lawes, *nullisque ad pœnam vocentur legibus, tuis imperij potestate?* For that it is expressed in the law, *That the Prince is free from the laws*: that both the Latine and the Greeke Interpreters do vnderstand, as of all lawes, so especially of pœnall, that the Prince although he doe offend, may not be chastised by them, or as the Græcians doe speake, ἤγουν ἁμαρτήσας οὐ κολάζεται. Which is the cause, that Kings being assured, both the greatnesse of their authority, and confidence of their Armes, feare not the losse of any temporall estate, seeing there is not one among a thousād of them so froward and friendlesse, but that he can find many friends to follow his party, by whose helpe and aduice, whether he be to vse sleight or strength, hee supposeth he can maintaine his Crowne and scepter. And for this very reason it is so farre, that they will be terrified with these imperious and lording minitations, to take their Kingdomes away, that they are rather inflamed, and set on fire by them against all pietie and religion. And it is verie certaine, that this temporall power, which the Pope some ages past doth challenge ouer all men, is so hatefull to princes, that euen they, who doe much honour the seate of *Peter*, and do acknowledge the great power of his successors in spirituall causes, yet they cannot without indignation endure to heare the speech of this temporall domination. The reason is, because neither in the sacred scriptures, nor traditions of Apostles, or any writings of ancient fathers, there appeareth any testimony, nay, no token or print of footing of any such authority of the Pope: and that a matter of so great weight, I meane so great a commaund and power of raigning, should bee euicted or wrested from them without the manifest word of God, or pregnant proofe of reason; neither can they endure any reason of law, or indifferencie of equity can admit.

Wherfore wise men haue euer been of this mind, that the Popes should with much more ease procure the peace

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of the Church, if according to the custome of their ancesters, they would quietly rest themselues within the bounds and compasse of the spirituall iurisdiction; and that according to their Apostolicke charity they should humblie entreat wicked Kings, requesting, beseeching, protesting with praiers and teares, that they would returne into the way, rather then that they should goe about through this hatefull intermination, to strip them of their temporall authority, as it were through force and feare (wherby they profit nothing or little,) to extort and wrest from them amendement of maners and faith. And if these Princes bee so obstinate and stiffe in their wicked courses, that they can be moued with no teares, nor bended with no praiers; the assistance of God must be implored, and they abandoned to his iudgement. But now let vs goe forward.

CHAP. XXXII.

THe second argument which *Bellarmine* deducteth out of his fift reason before related by vs, is by him propounded in these words. *A shepheard may shedde and shut vp the furious rammes which destroy the flocke: But a Prince is a furious ramme, destroying the flocke, when he is in faith a Catholicke, but so wicked as hee doth much hurt Religion and the Church, as if he should sell Bishopricks, spoile Churches &c. Ergo, the Pastor of the Church may reclude him,* (he should haue rather said *exclude him*, for *recludere is aperire,*) *or to reduce him into the ranckе of the sheepe.*

Surely, wee doe admitte this argument, and whatsoeuer beside is by necessary consecution inferred thereof: now no other thing can be inferred, but that it is lawfull for the Pastor of the Church, (by which name we vnderstand the Pope in this place) to expell an euill Prince out of the Lords fold, and to exclude him that he rest not in the Lords sheepe-cotes with the rest of the Chri-

Christian flocke: that is to say, by Ecxommunication to cast him out of the Communion of the Church & of the Saints, and to depriue him of all the benefites of regeneration in Christ, and to deliuer him to Satan, vntill hee make lawfull satisfaction for his offence and contumacie. And this punishment is wholy spirituall and ecclesiastick, and the greatest of all other which the Church hath [b]; which he cannot goe beyond, no not against a priuate person: vnlesse it be to go to the Prince ciuill, as being superiour to the offender, and beseech him to punish the iniurie offered to the holy mother; who for that shee is a nurse of the Church, ought to chastice with corporall and ciuill punishments the offenders and rebels to the same. But the Church wanteth this temporall aide, when as he is the soueraigne Prince himselfe, who commits that for which hee may be worthily excommunicate, because he hath no superior, & by no law can be challenged to punishment, being free and safe through the Maiestie of his gouernment. Therefore although the Pastor of the Church, or the Pope, may by Excommunication exclude him from the flocke, and so depriue him of all his spirituall benefites: yet can hee take away from him none of those things which he possesseth and enioyeth by vertue of a temporall and humane interest: because goods of that nature are not subiect to Ecclesiastique, but to Politique lawes, which are in the power of Kings. And as no Christian, whether Prince or priuate person, can auoid the Popes iudgment in spirituall Causes: so neither may any subiect of what ranke or place soeuer he be, decline the iudgement of his King or Prince in temporall affaires: for in that the causes of Clergie persons are committed to other then to ciuill Iudges, that was granted them by the singular grace and priuiledge of Princes, whereas by the common law, Cleriques as wel as Laiques are subiect to the temporall authority of secular Princes. And this is grounded on that reason, which *Bellarmine* himselfe deliuers

[b] *Can. corripiantur 24. q. 3.*

liuers, viz. *That Clergie persons, besides that they are Clergy persons, are also Citizens, and certain parts of the common wealth politique.* Hence it is, that vnder the best and holiest Christian Princes, all the causes of Clergy men, as well ciuill as criminall, so as they were not Ecclesiasticke, were wont to bee debated before ciuill and temporall Magistrates [c]. Therefore the Clergy did owe to secular Princes this their liberty, which in this point they enioy, as we haue declared before in the 15. Chapter. Whereby I maruaile that the same *Bellarmine* doth affirme that the Pope might simply by his owne authority exempt Clergy men by the Canon Law, from the subiection of temporall Princes. For (that I may speake it with the reuerence of so great a man,) it is as false as false may be. Because the law of Christ depriues no man of his right and interest: but it should depriue, if it should take away against their wils that temporall right and interest which Princes before they became Christians had ouer Clergie men. Againe, seeing the Pope himselfe hath obtained this exemption of his owne, by no other right, but by the bounty and grace of Princes (For as the aduersaries confesse, hee was both *de iure*, and *de facto*, subiect to heathen princes, as other Citizens) it is an absurd thing to say, that he could deliuer others frō the same subiection. Otherwise that might agree to him, which the wicked blaspheming Iewes did vpbraid to our Sauiour Christ, *He hath saued others, himselfe he could not saue.*

[c] *Vide S. cap. 15.*

And in this point the authority of the Fathers in Councels, could not be greater then the Popes. Therefore this place requireth that wee also conuince an other errour which hath sprung & spread very wide out of the decrees of Counsels, not diligently and aduisedly considered, and which reacheth at this day I know not how farre, and to what persons: viz. That Councels haue freed Clergy men from the authoritie & iurisdiction of Magistrates. Which is as far from all truth

as may be, for it is no where found in any Councell, that the Fathers assumed to them so much authority, as to deprive secular Judges of their authority and iurisdiction ouer the Clergy, or in any sort forbid them to heare and determine the causes of Clergy men being brought before them, vnlesse it were after that by the singular bounty of Diuines, which began from *Iustinianus*, that priuiledge of Court was granted to Church-men. For when as these graue Fathers themselues which were present and presidents in Councels, were subiect to temporal authority (as Saint *Augustine* teacheth *in expositione cap.* 13. *Epist. ad Rom.*) it could not bee that they should by their proper authority exempt themselues or others from that subiection. Therefore wee must vnderstand that those ancient fathers of the church, amongst whom the Ecclesiasticall discipline did flourish with much seuerity and sincerity (which at this day is too much neglected) vsed all the care and diligence that might bee, that the Clergy should carry a light before the people, not onely in doctrine, but also in integrity of manners and innocency of life: and for that cause that they admonished all Clergy men, and decreed and enacted by the Canons of their councels, that none of them should bring against an other any ciuill or criminall complaint before a secular Iudge, but that either they should compose all their controuersies among themselues by the arbitration of friends, or if they would not or could not, that at least they should end them by the iudgement of the Bishop. And surely, they ordered their matters in this maner out of the same, or surely the very like aduice which *S. Paul* in the 1. Epistle to the Corinthians, gaue the Christians, forbiding them, that they should not draw one an other before the iudgement seates of infidell Iudges, and there contend about their differences (which we spake of a little before:) I say out of the same aduice these fathers ordained, that if any thing fell out among the Clergy, after the manner of men,

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which might be a scandall to the Laitie (as are the faults which are committed of humaine frailety) that the same might with more secretie and closenes be amended before their proper Ordinaries, nor should not come to the eares of the rude and barbarous multitude, which oft times measureth the doctrine by the manners, and is accustomed either to disdaine or to scorne and laugh at these maner of slippes in the Clergy. And moreouer, lest the Cleriques, who ought to bee carefull and diligent to maintaine peace and concord, and both in word and deede to giue example of charity and patience, should seeme by their often haunting and frequenting of secular Courts, to shew the way to all manner of strifes and contention.

Then by these decrees of Councelles, there is nothing detracted from the authoritie of the Laickes, but that they may heare the causes of the Clergie men. For the Fathers did not, neither indeed could they forbid, that secular Iudges should not iudge and determine of Clergie mens causes, being brought before them; (for that had beene to take from Princes and Magistrates that right and authoritie, which the law of Christ doth not permit them to doe) but indeed they did forbidde that one Clergy person should not draw an other before those kind of Iudges, appointing canonicall or ecclesiasticall punishments against them which did not obey. Now this they might appoint iustly and lawfully without wrong or preiudice to any: euen as a good Father that hath many children, may commaund his children, and also forbid them vnder a priuate and domesticke punishment, that they doe not con tēd before a Iudge about any controuersies amongst themselues, but that they cease and lay downe all quarrell and differences vpon the iudgment of their father or brethren: and by giuing his children this charge, he doth not preiudice at all the authority of lawfull Iudges. Euen so the Fathers of the councels haue inhi-

bited their ſonnes, that is, the Clergy men, that they ſhould maintaine no action, nor queſtion amongſt themſelues before ſecular Iudges, not by taking away from the Laiques their power to heare and decide of their cauſes, but by abridging the Clergie of their ancient liberty of going ſo freely vnto them as they vſed to do. And this is not to exempt the Clergie from the authority and iuriſdiction of temporall Magiſtrates, but only to take a courſe, by which the Clergie hauing buſineſſe with the Clergy, may eaſily attaine their right without ſo much noiſe and ſtirrings in Lay-mens courtes. And leſt any man ſhould doubt whether theſe things ſtand thus or no, I thought it worth my pains to ſet down the very decrees of the Counſels: from which becauſe they were not well vnderſtoode, this errour hath ſprung, that from thence the Reader may vnderſtaud the truth of our diſcourſe.

The firſt then which decreed any thing touching this point, was the 3. councell of Carthage, held the yeare of our Lord 397. at which S. *Auguſtine* was preſent, and ſubſcribed the ſame. In the 9. can. of that councell it is thus written. *Alſo wee haue ordained that whoſoeuer Biſhop, Prieſt and Deacon, or Clerke, when as a crime is charged vpon him in the Church, or a Ciuill controuerſie, ſhall bee raiſed againſt him, if he leauing the Eccleſiaſtick iudgement, ſhall deſire to be cleared by the publique iudgements, although the ſentence paſſe of his ſide, that hee ſhall loſe his place, and this in a criminall iudgement. But in a Ciuill, that he foreſee that which hee hath wonne, if hee deſire to hold his place ſtill. For hee that hath free liberty to chuſe his Iudges where hee will, hee doth ſhew himſelfe to be vnworthy of the fellowſhippe of his brethren, who conceiuing meanely of the whole Church, ſueth to the ſecular iudgement for helpe. Whereas the Apoſtle commaundeth that the cauſes of priuate Chriſtians ſhould bee brought to the Church, and be there determined.*

Is there any word here, whereby it may be gathered by any

any probable reaſon, that the Councell meant to exempt the Clergie from the iuriſdiction of ſecular Magiſtrates? or doth declare that the Laickes are not competent Iudges for the Clergie? Nay it ſheweth the direct contrarie: viz. that they doe confeſſe, that the ſecular Iudges may by good right heare and decide the cauſes of Clergie perſons, and that they doe not diſallow their iudgements, as giuen by an incompetent Iudge; but that they only endeuour this, to reſtraine the giddineſſe and forwardneſſe of thoſe Clerickes, that when as a cauſe hath alreadie beene begun to bee debated in the Church, forſaking and contemning the Eccleſiaſticke Iudges, doe ſubmit themſelues to the order and iudgement of Laickes: in which caſe the Councell doth not diſallow the ſentence giuen by a ſecular Iudge, nor pronounceth him to be no competent Iudge, but a penaltie depriueth that Clerke of the fruit and benefite of ſuch a ſentence, by reaſon of his lewdneſſe and diſorder. Now in that the Fathers of that Councell did at that time acknowledge the Ciuill Magiſtrates to bee the competent Iudges of Clergy men; by that it may bee vnderſtood ſufficiently, that they reſtrained this their decree to that caſe, wherein a crime is raiſed vpon a Clearke in the church, or a ciuill controuerſie ſet on foot againſt him. Therfore out of theſe caſes, it was by this Canon lawfull for the Clergie without offence to proſecute their ſutes in a ciuill court, and to debate their buſineſſe before a ſecular Iudge.

After followed the famous Councell of Chalcedon, Ann. Dom. 451. which alſo in the 9. Canon decreeth on this manner: *If any Clergy perſon haue buſineſſe with a Clergie perſon, let him not forſake his proper Biſhop, and runne to temporall iudgements: but firſt let the buſineſſe be ſifted by the proper Biſhop, or at leaſt by the counſell of the ſame Biſhop; they ſhall receiue iudgement and order from them by whom both parties were content to be iudged. If any ſhall doe otherwiſe, he ſhall be ſubiect to the Canonicall cenſures.* Obſerue

how this Councell directeth her ſpeech to the Clergie, that they ſhould not leaue their owne Biſhops, to goe to ſecular Iudges; but not to temporall Magiſtrates and Iudges, that they ſhould not heare Clergie men comming to them; and after the cauſe debated, ſhould pronounce ſentence, & according to the courſe of law, compell them to performe the iudgement. Therefore by this Canon there is nothing taken from the authoritie of the Laitie. For thoſe words of the Canon or Decree, *Sed prius actio ventiletur apud proprium Epiſcopum*, doe ſufficiently ſhew, that the Fathers of the Councell doe only require, that all the cauſes of Clergie men bee at the firſt hand examined by the Biſhop: ſecondly, if there bee cauſe, that they bee carried to the examination of the temporall Iudge. For it is not likely or credible, that that word, *Primùm*, was idly and ſuperfluouſly ſet downe by ſo many worthy and wiſe men: and ſo that Canon doth wholly accord with the Nouell Conſtitution of *Iuſtinian*, 83. made in fauour of the Clergie men: *That Clergie men ſhould firſt bee conuented before their owne Biſhops, and afterwards before Ciuill Iudges.* Therefore the Ciuill Iuriſdiction of ſecular Iudges ouer the Clergie is not weakened by this Canon, but rather confirmed.

Likewiſe in the Councell of Agatha, vnder King *Alaricke*, Ann. Dom. 506. the Fathers which aſſembled in the ſame, decreed Can. 32. *That no Clergie man ſhould preſume to moleſt any man before a ſecular Iudge, if the Biſhop did not giue him licence.* The which Canon *Gratian* tranſferred into his *Decretum*, not without very foule dealing, both changing the reading, and wreſting the ſenſe; for whereas the Councell had ſaid, *Clericus ne quenquam præſumat, &c.* that he hath drawne to his owne opinion, depraued in this manner: *Clericum nullus præſumat apud ſecularem Iudicem, Epiſcopo non permittente, pulſare*: that is, *Let no man preſume to moleſt a Clergie man before a Secular Iudge, &c.* That the prohibition may include the Laicks alſo, that they ſhould not conuent a Clergy man before

before a Secular Iudge; whereas it is made only for Clergie men, without any mention at all of the Laitie. Besides, the second part of that Canon doth manifestly shew, that the Councell is thus farre offended with the Laickes which draw the Clergie before Secular Iudgements, and propoundeth Ecclesiasticall punishments against them, if so bee they shall doe it wrongfully, of a purpose to vex and molest them. For it followeth in the same Canon: *But if any Secular man shall attempt wrongfully to torment and vex the Church and Clergie men,* (by mooving of sutes before Secular Iudges) *and shall be convicted, let him be restrained from entrance into the Church, and from the Communion of the Catholikes, vnlesse hee shall worthily repent.* But *Gratian* hath corrupted not only the sentence of this Councell, but also of the Epistle of Pope *Marcellinus, in eadem Caus. & quæst. Can.* 3. and for *Clericus nullum*, hath written, *Clericum nullus*: that it is no maruell, that the Canonists, who did only reade the gatherings of *Gratianus*, being deceiued by this false reading, haue fallen into this errour, which we now reprehend. But it is a maruell that *Bellarmine* in both places should follow the corrupt reading of *Gratianus*, and not rather the true and naturall lection of the Authors themselues, in his Controuersies, *Lib.* 1. *de Clericis, cap.* 28.

But in the first Councell of Matiscum, which was held vnder King *Guntramnus*, An. Dom. 576. Can. 8. is written in this manner: *That no Clericke presume, in what place soeuer, to accuse any other brother of the Clergie, or draw him to plead his cause before a Secular Iudge: but let all matters of the Clergie be determined in the presence either of the proper Bishop, or Priest, or Arch deacon.*

And in the third Councell of Toletum, which was celebrated Ann. Dom. 589. in the raigne of King *Reccaredus*, in the 13. Can. there is a decree touching Clergy men thus: *The continuall misgouernment, and accustomed presumption of libertie, hath so farre opened the way to vnlawfull attempts, that Clerickes leauing their Bishops, doe draw their*

fellow

fellow Clerkes to publike iudgements. Therefore wee ordaine, that the like preſumption be attempted no more. If any ſhall preſume to doe it, let him loſe his cauſe, and be baniſhed from the Communion.

Theſe are the ſolemne, and almoſt the ſole decrees of the Canons, whereon they ground their errour, who falſely ſuppoſed that Councels could, or in fact did exempt the Clergie from the power of the Laitie: whom the Canons themſelues notwithſtanding doe ſo euidentlie conuince, that wee neede not bring any thing elſe beſides them, for to repreſſe that conceit of theirs. And theſe matters haue beene thus diſcourſed by mee, not with that minde and intent, to rippe vp the priuileges of the Clergie, or becauſe I either enuie that they enioy them, or wiſh that they were taken from them. They who know mee, know very well in what account I haue euer had, and haue Eccleſiaſticall perſons. I doe honour the Prieſts of God, as my parents, and eſteeme them worthy all honour: but as an humble childe I aduiſe them, that they be not vnthankfull, nor diſdaine their benefactors, from whom they haue receiued ſo many priuileges. They are bound to reuerence and honour their temporall Princes, as their Patrons, and Protectors, and procurers of their libertie; and not (as many of them at this day vſe) to denie that they are beholding to Princes for thoſe fauours, but to aſcribe all their liberties, and exemptions, and immunities, to Pontificiall and Canonicall Conſtitutions; which is the moſt vnthankfull part which can proceede from vnthankfull mindes. For what temporall libertie ſoeuer they haue, they haue receiued the ſame, not from the Popes, but from ſecular Princes; nor from the Canons, but from the Lawes.

Chap. XXXIII.

I Will ſay more, and I will ſpeake the truth, although peraduenture it purchaſe me hatred of them to whom all

all things ſeeme hatefull, which are neuer ſo little againſt their humour and diſpoſition. Therefore I will ſpeake, and I will ſpeake a great word, which peraduenture either no man hitherto hath remembred, or if any haue, hee hath not at the leaſt put any in minde as hee ought, whom it concerned to know the ſame. And that is, that the Clergie thorow the whole world, of what order or degree ſoeuer they be, are not to this day in any manner exempt and freede from the temporall authoritie of ſecular Princes, in whoſe Kingdomes and countries they liue; but are ſubiect to them in no other manner then other Citizens in all things which belong to ciuill and temporall adminiſtration and iuriſdiction: and that the ſame Princes haue power of life and death ouer them, as well as ouer their other ſubiects; and therefore that the Prince (I ſpeake of him who acknowledgeth no ſuperiour in temporall affaires) may either of his clemencie forgiue, or puniſh according to the Law, a Clergie man, committing any fault whatſoeuer, ſo the fault bee not meerely Eccleſiaſticall. This although it ſeeme hard, and halfe a paradoxe, to them who being poſſeſſed with the errour of the contrarie opinion, doe thinke that they liue within the authoritie and iuriſdiction of the Pope only, and that they are not bound to any Conſtitutions of humane lawes beſides: notwithſtanding I ſhall bring to paſſe in few words, that they may plainly vnderſtand, that there is nothing more true then this propoſition of mine, ſo as they be onely willing to open their eares to heare the true reaſon thereof with indifferencie. The truth thereof dependeth of thoſe things which we haue ſet downe and prooued before, out of the iudgement of the Diuines of the beſt note, and ſhall preſently bee demonſtrated by neceſſary and euident concluſion drawne from thence. Firſt of all therefore, this is ſet downe, and granted, and alſo confirmed with moſt firme reaſons and teſtimonies, that all, both Clerickes and Laickes, were in the power and authoritie of Kings and Emperours, ſo

long as the Church ſerued vnder heathen Princes. And this is the ground of our demonſtration; with which I will ioine that which hath in like manner beene ſet down and granted: that is to ſay, *That the Law of Chriſt depriueth no man of his right and intereſt, becauſe hee came not to breake the Law, but to fulfill the Law.* And therefore after that Princes were brought to the faith, it is certaine that all Clergie men continued in the ſame order and ranke, as farre as concerned temporall ſubiection, wherein they were before, when their Princes liued in their infidelitie: becauſe the Law of Chriſt depriueth no man of his particular intereſt, as hath beene ſaid. And in that regard, priuileges and exemptions were granted to the Clergie, which they ſhould not haue needed at all, if the Clergie had not remained, and that by abſolute right, as before, vnder the authoritie and iuriſdiction of Princes. Theſe things are ſo cleere and plaine, and ſo witneſſed and proued by ſo many teſtimonies and monuments, that it may be thought a needleſſe paines, to remember them in this place, or to adde any thing to them. Therefore let vs ſee that which followeth: I meane, let vs ſee how our former ſentence doth grow out of theſe principles, by a manifeſt demonſtration and neceſſarie concluſion. It is in no place recorded by any Writer, that the Princes who haue endowed the Clergie with theſe priuileges and exemptions, did ſet them ſo free from themſelues, that they ſhould not be further ſubiect vnto them, nor acknowledge their Maieſtie, or obey their Commandement. Reade thoſe things which are written of thoſe priuileges: you ſhall not finde the leaſt teſtimonie of ſo great immunitie amongſt them all. They only granted to the Clergie, that they ſhould not bee conuented before ſecular Magiſtrates, but before their proper Biſhops, and Eccleſiaſticall Iudges. Now this is not to exempt the Clergie from the authoritie of the Princes themſelues, or to offer preiudice to their iuriſdiction and authority, if they ſhall pleaſe at any time to take knowledge of Clergie

mens

mens causes, in cases which are not meerely spirituall. Nay Princes could not, nor at this day cannot grant to the Clergie, liuing in their kingdomes, that libertie and immunitie, that they should not bee subiect to them in their temporall authoritie, and when they offend, bee iudged and punished by them, but that they must by the same act renounce and abandon their principalitie and gouernment. For it is a propertie inseparable to Princes, to haue power to correct offenders, and lawfully to gouerne all the members of the Common-wealth, I meane, all his Citizens and subiects, with punishing and rewarding them. And as in a naturall bodie, all the members are subiect to the head, and are gouerned and directed by it, so as it must needs seeme a monstrous bodie, where are seene superfluous members, and such as haue no dependencie of the head: euen so in this politicke bodie, it is very necessarie that all the members should bee subiect to the Prince, as to the head, and bee gouerned by him, that is, to receiue reward or punishment from him, according as each of them deserue in the state. But the Clerickes (as the aduersaries confesse) [a] *besides that they are Clerickes, are also Citizens, and certaine parts of the ciuill Common-wealth:* which is true, and in that regard they are reckoned amongst the orders of the kingdome, and obtaine the first place. Therefore as Citizens, and parts of the ciuill Common-wealth, they are subiect to the Prince; neither can they, although the Prince would, but be subiect to him in temporalties: and otherwise either were he no Prince, or they no Citizens. Therefore it is a foolish thing to suppose and imagine, that a Clergy man, being conuented for any cause whatsoeuer, (so it be not meerely spirituall) may auoid the Palace of the soueraigne Prince, or of him to whom the Prince, vpon certaine knowledge, hath specially committed the determination and decision thereof. For in that Princes doe verie seldome heare the causes of the Clergie, that argueth want not of power, but of disposition. Hence is it, I meane

[a] *Bellarm. l. 1. de Clerie. c. 28.*

out of this temporall authoritie of secular Princes ouer the Clergie, that in our time *Charles* the V. being Emperour, caused *Hermannus* Archbishop of Colonie to appeare before him, to cleere himselfe of the crimes which the Clergie and the Vniuersitie laid against him : [b] and that in many places the Princes haue reserued to themselues certaine offenses of the Clergie to be specially punished, and doe commit the same to the knowledge and iudicature of their officers : as are those crimes which are called Priuilegiate in France, as of Treason, bearing of Armes, counterfet money, peace broken, and the like: neither are wee to thinke that heereby any iniurie is done to the Clergie, or that the Ecclesiasticall libertie is in any manner hindred or diminished. Many haue Ecclesiasticall libertie in their mouthes, who know not a iot what it is. We will in another place declare more plainly what it is, and in what points it consisteth. [c]

b *Surius in commentar. ann.* 1545.

c *Infra cap. vlt.*

Seeing these things stand thus, euery man I thinke may see, that all the immunitie of Clergie men, as well for their persons, as for their causes and goods, haue proceeded from secular Princes : but not, as some imagine, is either due by the Law of God, or granted them by the Pope, or Canons. For that which *Bellarmine* bringeth both for a supplement and a reason, that he might proue how that the Pope and Councels did simply exempt Clerickes from the temporall iurisdiction : viz. [d] *That the Imperiall Law ought to yeeld to the Canon Law :* that is not generally true, but then only, when the Canon Law is ordained and exacted of matters meerely spirituall and Ecclesiasticke : but the subiection or immunitie of Clergie men in ciuill affaires is not a matter meerely spirituall and Ecclesiasticall, but rather ciuill and temporall : in which cases the sacred Canons doe not disdaine to come after the ciuill Lawes. [e] Neither is there any more force in that which he brings in after, *That the Pope may command the Emperour ouer those things which belong to the authoritie of the Church.* As if hee should say, that the Pope may

d *Dict. lib.* 1. *cap.* 28. *de cleri.*

e *Cap.* 1. *de noui oper. nunciat.*

may constraine the Emperor to set and dismisse the Clergie free out of his power, because the libertie of the Clergie belongeth to the authoritie of the Church. For euen by this we may discerne that this is false, that the Church neuer had greater authoritie then shee had then, when all the Clergie did in temporall subiection obey Christian Princes, and Officers of Princes. Neither was this exemption and immunitie granted to the Clergy to increase the authoritie of the Church, for that was no lesse before, but to set them free from vexation and trouble, which often times the rigour and seueritie of secular iudgments did bring.

Hence arose that question, whether it were lawfull for Princes, euery one within his territories, without any iniurie to the church, in some case to reuoke the priuiledge of the exemption of the Clergie, from the intermedling of secular Iudges, and to reduce the whole businesse to the common law, and to the state wherein it stood at the first? Whereof when I was asked not long since, I answered nothing as then, but that it seemed to mee a strange question, and of a hard deliberation to resolue. For although it haue beene propounded by diuers, yet hath not beene handled by any according to the worth of the subiect.

The mouers of this question were moued by the common and vsuall reason of taking Priuiledges away, which the Pope himselfe, and all Princes are accustomed to obserue; that is, if either they beginne to be hurtfull to the Common-wealth, or the cause hath failed, and is gone, for which they were granted at the first, or the priuiledged Persons themselues doe abuse them to a wicked and vnlawfull end. And they said indeed that the cause of granting this exemption, doth continue, and is like to continue for euer; that is to say, the reuerence which all men ought to exhibite to that kind of men; but that the abuse thereof was so frequent in many places, to the great scandall of the whole Ecclesiasticall or-

der, that that benefite may ſeeme deſeruedly to bee taken from them. Thus much they. But wee will more largely and plentifully decide this matter in out bookes *de corruptione ſæculi*, if God giue mee life and ſtrength.

CHAP. XXXIIII.

NOw therefore I returne to the argument, which is propounded in the beginning of the 32. Chapter: and I anſwere, that it nothing belongs to the taking away of any temporall goods whatſoeuer, much leſſe of a kingdome. For it is as certaine as certaine may be, that Excommunication, by which only froward & ſtubborn Chriſtians are ſeparated & excluded from the fellowſhip of the faithfull, and communion of the Church, doth take from no body their inheritance, and temporall goods. Vnleſſe it proceed from ſuch a cauſe, which the Prince hath by his lawes, eſpecially ordained to be puniſhed with the publication or loſſe of goods. In which caſe, not the Pope, but the Prince, not the excommunication, but the conſtitution of the ciuill law, doth take goods away from the perſon excommunicate. The Pope ſurely cannot take any Patrimoniall right, no not from a Clergy man, though hee bee excommunicated and depoſed, or degraded by himſelfe. [a] And indeede the caſe were very hard of Chriſtian people, if ſo be that a perſon excommunicate ſhould forfeite his eſtate of all his lands and goods, by excommunication alone, being once paſſed againſt him, either by the law, or by any man, ſeeing that his goods being once ſeaſed into the Kings hands, doe ſcarſe euer returne againe to the true owner. And ſo excommunication, which was appointed for a remedie and a medicine to helpe, ſhould proue a miſchieuous diſeaſe to ouerthrow. For that the perſon excommunicate, although hee ſhall bee reſtored againe into his former eſtate of Grace, by waſhing his fault

a *Cap. cum non ab homine. de iudic.*

fault away with due repentance, ſhould neuer or very hardly recouer his goods againe, being once returned into the Fiſke or Exchequer, & peraduenture waſted or giuen away to ſome body, &c.

Therefore the cenſures Eccleſiaſtical, amongſt which Excommunication is the moſt grieuous, doe worke vpon the ſoules, not vpon the goods and eſtates of the Laitie: as on the contrary, the bodies of men, and not their ſoules are afflicted with temporall puniſhments. Seeing therefore that offenders are puniſhed with the loſſe of their goods by the auhority, not of the Pope, but of the Prince: Seeing I ſay, it is not the Pope, that taketh temporall goods from any priuate perſon, by the power of his Eccleſiaſticall iuriſdiction, and by the force and vertue of excommunication, or other cenſure, although the ſame bee iuſt and grieuous; but the ciuill Prince onely, who to pleaſure the Church, and to proſecute the wrong done vnto her, is accuſtomed by lawes enacted of himſelfe, to ordaine ſometime one puniſhment, ſometime an other, at his owne pleaſure, vpon the contemners of the Church; how then can it be, that the Pope can by his ſole Pontificiall, and Eccleſiaſticke authority take away from the Prince himſelfe, kingdom, principality, iuriſdiction, authority, and all dominion; who hath no iudge ouer him in temporall matters, and is not ſubiect to any ciuil pains? Is it ſo ſure and certaine, that the Pope hath giuen him by the law of God more authority ouer Princes, then ouer priuate perſons? or are Princes tied to liue in harder tearmes in the world, then priuate perſons, ſo as the Church may practiſe that vpon a Prince, which ſhee cannot doe vpon a priuate man?

But that the truth of this matter may as yet appeare more plainely by an other meane, I demaund of theſe men, if the Pope haue greater authority ouer Kings and Emperours at this day, then hee had in times paſt, before that he was aduanced to a temporall honour by the

the bounty of *Constantine* and other Princes? or that his authority at this present is onely like equal altogether: I mean that which Christ conferred vpon *Peter*, & which no mortall man can either straighten or enlarge, and which he shall retaine neuer the lesse, although he should lose all temporall principality and gouernment? And if he haue greater authority, whence I pray you should he haue it? from God or from men? surely, neither of both can be affirmed without a manifest vi truth. For will any man euer say, that is in his right wits, that any new authority was giuen of God to the Pope ouer Christian Kings and Princes, from the time that he beganne to raigne, and to exercise a ciuill gouernment in certaine places, and to shew himselfe in mens eyes both with a Crowne and Miter on his head? or if he should say it, were he able to make it good by any reason or authority? much lesse hath any such authority accrewed to him from men, because as it is commonly said, *Actus agentium non operantur vltra ipsorum voluntatem* [b].

[b] *L. non omnis 19. D. de reb. cred.*

And although Christian Kings and Emperours, who haue and doe submit their neckes in spirituall causes to the Vicar of Christ, (such as only professe the orthodoxall faith) yet none of them all passed into the temporall iurisdiction and authoritie of the Pope; none of them, but reserued to himselfe free and vntouched his secular iurisdiction. But if peraduenture it bee found that any hath done otherwise, the same is to be reckoned as an exception, by which the rule in *non exceptis*, is more strongly confirmed. Out of this foundation, which is laid vpon most certaine reason, a very good argument may bee framed in this manner:

> The Pope hath no greater authoritie ouer Christian Princes temporall, then hee had before hee was a temporall Prince himselfe.
> But before he was a temporall Prince, he had no temporall authoritie ouer them any way.
> *Ergo*, Neither hath he now any ouer them.

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The truth of the Propoſition is ſo plaine, that I neede not vnderſet it with other arguments: but the Aſſumption is proued thus:

No inferiour and ſubiect hath authority ouer his ſuperiour and Lord, that he may iudge him in that wherein he is ſubiect.

But the Pope before he was a temporall Prince, was inferiour and ſubiect to Kings and Emperours, as concerning temporall matters.

Ergo, hee had no temporall authority ouer them, that hee might iudge them in temporalties.

The propoſition alſo of this Syllogiſme is out of all queſtion, ſeeing no man can be iudged but by his ſuperiour: a ſuperiour I meane in that very point, whereof the iudgement is made. For as we haue often ſaid, *Par in parem non habet imperium.* And in nature it cannot be, that one and the ſame perſon ſhould be both inferiour & ſuperiour; in the ſame kind of authority, in reſpect of one and the ſame matter, no more then that the ſame man ſhould be Father and Son in reſpect of one and the ſame. And the ſame reaſon doth *Bellarmine* vſe to proue that the Pope *cannot ſubmit himſelfe to the coactiue ſentence of Councels*[c]. The Aſſumption is confeſſed by the aduerſaries, when as they affirme, and clearely confirme by reaſons, *That the exception, (vnleſſe you will ſay, exemption) of Cleriques in ciuill cauſes, aſwell concerning their perſons, as Gods, was brought in by the law of man*[d]. *For*, (as Auguſtine witneſſeth) *humane lawes be the lawes of Emperours, becauſe God hath diſtributed to mankind the humane lawes themſelues by the Emperours and Kings of the world.* Therefore the Clergy haue from Emperours and Kings whatſoeuer exemption and immunity it is, which now they enioy all the world ouer in ciuil cauſes, as we ſhewed in the laſt Chapter before. And that euen of their meere and free bounty; for they could not bee enforced in any ſort by the Church, to grant the Clergy thoſe priuiledges, ſeeing it is not found to be expreſſed &

c *Lib. 1. de Concilijs ca. 18.*

d *Bell. lib. 1. de Cler. cap. vlt.*

prouided by no law of God. And the law of Christ depriueth no man of his proper right & interest, as thẽselus confesse, & we haue often signified. And therfore as their owne learning carieth; *Bishops ought to be subiect to Kings in temporalties, and Kings to Bishops in spiritualties.* By all this discourse it followeth, that Clergie men were bound by the common law of other Citizens in ciuill and temporall matters, and were alike subiect to the authoritie of secular Iudges, as well as the other inhabitants of the Cities, before that they were by godly Princes endewed with these Priuiledges, of exemptions: and many holy Popes haue honestly confessed, that in this case there is no difference betweene the Bishop of Rome or the Pope, and other Clergie persons. Therefore that which might be done, let vs suppose it was done, that is, that the Pope being as yet inuested in no temporall principalitie, or priuiledge, doth liue vnder the gouernement of an other prince, as his fellow Bishops, and Brethren in France, Spaine and Britanie, and in other kingdomes doe. Would it not be euinced by the necessity of the former argument, that he cannot iudge and punish Princes in temporalties, to whome hee is temporally subiect? Therefore he hath either purchased a greater authority ouer Kinges and Emperours, then he had before, through the exemptions and priuiledges granted euen by them; or else he cannot as yet iudge them in temporalties.

But if any bee so fond perhaps to say, that the Pope hath alwaies had this authority from the first beginning of the Church, viz. to iudge and depose euill princes, but through the iniurie of the times hee hath by accident been hindered, that he could not exercise it: so long as hee was subiect to them touching the temporalties: But now, after that hee hath withdrawne his necke from the temporall yoake of princes, & made himselfe a temporall prince, there is nothing to hinder, but that hee may freely put in vre that iurisdicti-

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on. I say if any shall vse this vaine ostentation, I must answere him nothing else, but that the things he speaketh are not onely false, but also ἀδύνατα, vnpossible: setting those things downe which the aduersaries confesse, and which is most true, that is to say, that the Popes before such time, as they were by godly Princes clearely exempted from temporal iurisdiction, were subiect to them both *de iure* and *de facto*. For it is impossible that at that time they should haue that power; for that it is not competent, but by right of superiority. Now it implieth a contradiction, that the Pope was by right superiour, and by right inferiour, at the same time, & in the same kind of authority, in respect of one and the same; and the naturall order of things doth not permit that the inferiour, or subiect should commaund his superiour and Ruler. Seeing therefore it is both absurd and impious to imagine that our Sauiour Christ, *qui non venit soluere legem, sed adimplere*; should constitute and appoint any thing against the law of nature, and the most holy rule of life, they must needes bee in a great error, who affirme that this soueraigne authority, wherof we speake, was by Christ conferred on *Peter*, and in his persō on the rest of the Bishops who succeeded him, when as they bring nothing to proue the same but certaine farre fetched reasons, and full weake, patched vp together; of similitudes, comparisons, allegories, and such like stuffe, as you may see by that which wee haue refuted. All which are to be reiected and little esteemed, when as by the position and granting of them, some absurditie doth follow, as in this point, or when as more probable and strong reasons grounded vpon the authority of Scriptures and Fathers do maintain the contrary opinion.

The last argument of *Bellarmine* is behinde, in the refutation whereof we shall not neede to take much paines. *The third argument* (saith he) *is this: A Shepheard may and ought so to feede his sheepe, as is conuenient for them. Ergo,*

the Pope may, and ought, command Christians those things, and inforce them to those things, to which euery one of them in his condition is bound: that is, constraine euery one to serue God in that manner, wherein they ought according to their state and condition. But Kings ought to serue God by defending of the Church, and by punishing heretickes and schismatickes. Therefore he may and ought to command Kings that they doe it, and vnlesse they doe it, to enforce them by excommunication, and other conuenient meanes.

Surely I see not what is contained in this argument, which either confirmes or infirmes the temporall authoritie of the Pope. For the beginning thereof is necessarilie to be vnderstood of spirituall foode. Now the Popes reuenewes, although they be great, would not suffice to feede all sheepe with corporall pasture; and so the end also and conclusion must be vnderstood of spirituall coercion and compulsion: for hee saith, *to enforce by Excommunication, and other conuenient meanes,* (meaning) *Ecclesiasticall.* For the Pope is an Ecclesiasticke, not a temporall Shepheard, but only so farre as at this day hee hath temporall rule in certaine places. Therefore wee grant the whole argument and freely confesse and professe, that the Pope by his spirituall authoritie may command all Princes, and enioine them to doe those things which appertaine to their safetie and theirs; and vnlesse they doe it, *also to enforce by excommunication, and other conuenient meanes.* But the conuenient meanes are all spirituall meanes, and not temporall, vnlesse they bee practised by a temporall Magistrate. The which point *Iohn Driedo* obseruing in his bookes of Christian libertie, after that he had declared that these two authorities and iurisdictions were by the Law of God distinct in the Church, and *that all secular authoritie in spirituall matters was subiect to the Popes authoritie, so as the Pope, in regard of his pastorall charge, hath authoritie ouer a Christian Emperour, euen as a spirituall Father ouer a sonne, and as a Shepheard ouer his sheepe; that he may iudge and correct him, if he should*

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fall into hereſie, or denie publike iuſtice to the poore and oppreſſed, or ſhould enact Lawes to the preiudice of the Chriſtian faith. (all which things we alſo affirme) he ſetteth downe no other paine or puniſhment againſt Emperours ſo offending, but excommunication alone, becauſe he knew that the Popes authoritie and iuriſdiction was content with ſpirituall puniſhments, and could goe no further, vnleſſe ſhee would runne out in the borders of temporall authoritie, and inuade a forraine iuriſdiction, which by the Law of God is diſtinct and ſeparate from his. Now this is no conuenient meane, which the aduerſaries vſe, of depoſing ill Princes from their gouernment; but rather of all other meanes inconuenient: both for that it hath ſcarce euer ſucceeded happily to the Popes themſelues, or the Church, but is accuſtomed to bring into the Church and Chriſtian Common wealth, infinite calamities, by inteſtine diſcords, ſchiſmes, and ciuill warres: as alſo, becauſe in reſpect of the Pope, to whom ſpirituall matters onely are committed, ſuch a meane muſt needes ſeeme very ſtrange, and to proceede from an vſurped authoritie. And therefore it is to be iudged [i] neither conuenient, nor iuſt, nor poſſible. Hitherto haue I weighed in the ballance of naked and open truth, according to the ſlenderneſſe of my wit, all the reaſons, and from thoſe reaſons the arguments, whereby *Bellarmine* endeuoureth to prooue that the Pope hath ſupreme authority ouer ſecular Princes, *indirectè*, indirectly.

[i] *L. Filius 19. D. de cond. inſtit. l. 4. §. condemnatum. D. de reiudic.*

Chap. XXXV.

I Thought in the beginning, when I began this Worke, that it was ſufficient, diligently to examine and diſcuſſe the reaſons which this learned man *Bellarmine* doth vſe; but for that he ſends vs to other matters, which he ſaith are extant in *Nicolas Sanders*, ſaying, *See more in Nicolas Sanders, lib. 2. cap 4. de viſibili Monarchia, where you ſhall finde many of theſe things which I haue deliuered*; I thinke

I ſhall not doe amiſſe, if I ſhall bring into light thoſe arguments of *Sanders* which are behinde, leſt the curious and obſeruant of our writings, ſhould complaine, that any reaſon of the contrarie ſide hath beene omitted; and alſo ſhould imagine, that it is of purpoſe omitted, becauſe it is ſo ſtrong, that it cannot bee anſwered. All the world doth know, eſpecially they who haue with any care and attention peruſed *Sanders* his bookes, that he ſpared no paines, and aboue all other men gathered together moſt arguments to proue that the Pope was inueſted in this temporall authority ouer all Chriſtians, whereof wee ſpeake. But yet it is very likely, that that man was ſo farre blinded, either with a bitter hatred which hee bare againſt Queene ELIZABETH, being baniſhed out of her Kingdome; or with too great affection towards Pope *Pius* V. to whom he was many waies bound; or elſe with ſome other, I know not what ſmoke of humour and paſſion, that he did not ſee, how that for certaine and ſound arguments, he vſed many ſhewes, which were not onely falſe and farre fetched, but euen diſſenting from common ſenſe, and the iudgement of naturall reaſon. Therefore will I tranſcribe into this place, very compendiouſly, the reſt of his arguments, which as I thinke were of purpoſe omitted by *Bellarmine*.

1. Argument. Therefore hee deduceth one from this, that *Sauls* kingdome was taken from him, for that hee had not obſerued the Commandements of the Lord, which were deliuered him by the miniſterie of *Samuel*; from whence hee collecteth thus: *Therefore ſeeing after the holy Ghoſt ſent from heauen, the ſpirituall authoritie cannot bee leſſe now in the Church of Chriſt, then it was before in the Synagogue; wee muſt alſo now confeſſe, that the King who hath deſpiſed to heare the Lord ſpeaking by the mouth of the Pope, may bee ſo deprined of the right of his Kingdome, as that another in the meane time may be anointed by the ſame Pope, and that from that day hee is truly King, whom the Pope hath rightly anointed, or otherwiſe conſecrated, and not he who being armed with*

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erompet of ſeruants, doth vſurpe the Kingdome.

Another alſo from the ſame party: *That Ahias the Silonite, when Salomon was yet liuing, foretold, that Ieroboam ſhould be ruler of twelue Tribes:* [a] *whereof, ſaith he, it is conceiued, that either a whole Kingdome, or ſome part, may bee taken away by the ſpirituall authoritie of the Church. For what power was once in the Prieſts and Prophets, the ſame is now in the Paſtors and Doctors of the Church, whoſe dutie it is ſo to tender the health of ſoules, that they ſuffer not, by the diſobedience and tyrannie of a wicked King, people of an infinite multitude to be forced and haled to ſchiſme and hereſie.* 2. Argument. [a] 3. Reg. 11.

The third from this, *That Elias anointed Aſael King ouer Syria, and Iehu King ouer Iſrael, and anointed Eliſeus to be a Prophet for himſelfe, that he that eſcaped the hands of Aſael, him ſhould Iehu kill; and him that had eſcaped the hands of Iehu, ſhould Eliſeus kill. By which figure,* ſaith hee, *what other thing was ſignified, then that many Magiſtrates were for this end raiſed and ſet vp in the Church of God, that what was not executed by one of them, might bee executed by the other: of which powers, the laſt and moſt principall was in the Prophets, that is, in the Paſtors and Doctors of the Church of God? For as the ſword of Eliſeus was reckoned in the laſt place, which none could auoid, although hee had eſcaped the ſword of Aſael and Iehu: ſo the cenſure of the ſpirituall power can by no meanes be ſhunned, although a man eſcape the ſword of the ſecular power. For the ſpirituall power doth not vſe a corporall or viſible ſword, which may bee hindred by certaine meanes, but vſeth the ſword of the ſpirit, which paſſeth thorow all places, and pierceth euen to the very ſoule of him whom it ſtriketh.* 3. Argument.

To theſe hee knitteth afterward for an other argument the ſtory of *Elias*, very much enterlaced with diuers obſeruations and allegories, deuiſed by himſelfe, to ſhew that the materiall ſword doth obey the ſpirituall; and that not onely the Pope, but euen other Paſtors of the Church, haue authority as well ouer body and goods, as ouer the ſoules of all Chriſtians; which

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no ſober man before him did euer ſo much as dreame of. But with what vnhandſomneſſe, and incongruence hee deduceth this out of the reaſons laid before by him, I will lay open in the next Chapter.

But he applieth to his purpoſe the Argument taken from the perſon of *Elias*, and his actions in this manner. *Elias by the ſword of the ſpirit, that is to ſay, by his prayers commaunded the fire to fall from heauen, and to deſtroy thoſe fifty, who deſpiſing the authority of the Prophets, ſaid vnto him in the name of an earthly power; Man of God, the King hath commaunded thee to deſcend,*[c] *&c. and in reſpect of the earthly power contemned that ſpirituall power, which Elias was indued with all. And in ſcorne ſaluted him, Homo Dei, man of God:* And in this manner hee goeth forward thus. *Could not Elias at whoſe call fire deſcended from heauen, and deuoured the fifty men, ſay to ſome Prince and Magiſtrate if he had been preſent: Sir, becauſe theſe ſouldiers doe contemne me, and in me God, whoſe Prophet I am, runne vpon them, and kill them? or could not an earthly ſword haue executed the ſame office, which the fire from heauen did performe? If fire,* quoth he, *be the more noble element, then the earth, yea, or then the mettals which are digged out of the earth, I ſee not but that he who called fire from heauen, to ſatisfie his commaundement, might not much more haue bidden the Magiſtrate, who beareth the ſword, to draw out his ſword for him againſt any King in the world whatſoeuer.* For which opinion of his, this firmament or ſtrength onely is ſet down by him: *That it skils not much among ſtwiſe men, what is done by thoſe things which are alike in moment and waight.* I will not heere adde the fourth & fifth argument, which he vſeth out of the ſacred hiſtories, touching *Ozia*,[d] and *Athalia*,[e] becauſe *Bellarmine* hath referred thē among the examples whereon wee muſt deale in their place. But theſe are thoſe *Paraleipomena*, to which *Bellarmine* doth remit vs, and which it is no wonder that he (who is both a ſubtill and ſharpe diſputer, and a vehement Oratour) did

c 4. Reg. 1.

d 4. Reg 15. 2. Paral. 26.
e 4. Reg. 11. 2. Paral. 23.

did onely lightly report, but did not transferre into his owne worke: seeing they doe abound with so many and notorious faults, that a man would thinke they were written not by a Diuine, and a man exercised in the Scriptures, but by some prophane Smatterer, abusing intemperately Diuinity and the Scriptures: so very little is there in those things, which he assumeth in them for argument, which is consonant and agreeing with the subiect in question.

Chap. XXXVI.

First then, *Sanders* is mistaken, and is very farre wide in this, that he imagineth that the Synagogue had any stroke in the abdication of *Saul*. For it is most manifest, that the whole businesse was commanded, denounced, and in the issue accomplished and executed by the extraordinarie iudgement and commandement of God, from whom is all raigne and power, without any ordinarie iurisdiction of the Priests, or of the Synagogue: whereby it is cleere, that the comparison of the Church of Christ & the Synagogue, or of *Samuel* and the Pope, is very impertinently and ignorantly made by him in this point. For although we confesse that which is the truth, that the spirituall power of the Church of Christ is no lesse, yea that it is farre more, then of the Synagogue: yet therfore, I meane out of the comparison of the power & authoritie of each Church, it doth not follow, that the Pope may depriue a King neglecting or contemning the Commandements of God, of the right of his Kingdome, & instal another in his place, because the Synagogue was neuer endued with that power. For it is no where read in the Old Testament, that the Synagogue of the Iewes, or the High Priest thereof for the time, did abrogate the Kingdome from any lawfull King of Israel or Iudæa, being neuer so wicked, obstinate, and cruell; or depriued him of the right of the Kingdome, as hee saith, and sub-

ſtituted another in his place. Whence it falles out, that no argument from thence, nor no example may bee drawne in the new Law.

I let paſſe, that *Samuel*, although he were a great Prophet, yet hee was not the chiefe Prieſt, nay not a Prieſt at all, but onely a Leuite, [a] who therefore could doe nothing againſt *Saul* by an ordinarie power of ſpirituall iuriſdiction, much leſſe by the authoritie of a ſecular iudgement, becauſe he had publikely laid that downe before, when the people demanded a King. Therefore *Samuel* in the execution of this buſineſſe, did onely performe a bare miniſterie, almoſt againſt his will, and ſtriuing both with praiers and teares againſt the ſame: and hauing receiued a ſpeciall charge, he diſcharged an extraordinarie embaſſie, being ſent from the Lord as the Meſſenger of his diuine iudgement. And that appeareth by this, that when he came to the King, he ſaid, *Giue me leaue, and I will tell thee what the Lord hath ſpoken to me by night.* Therefore he may forbeare this argument, which is to ſmall purpoſe drawne from the extraordinarie miniſtery of *Samuel*, and the reiection of *Saul*, in regard that the ordinarie authoritie of the Chriſtian Church or Pope, hath no compariſon or proportion, no conueniencie or ſimilitude with the ſame. God preſently reiected *Saul*, and tooke the Kingdome from his poſteritie: but he ſuffered other Kings, who ſeemed to be much more wicked then *Saul*, to raigne ouer his people, and to conuey the Kingdome to their children. So hath it ſeemed good in his eies. *God the Lord of reuenge hath done freely,* [b] *and he hath done all what ſoeuer he would*: [c] neither is any other reaſon to be ſought. *He hath mercie on whom he will haue mercie, and whom he will he hardneth.* Neither may any man ſay vnto him, [d] *Why haſt thou made me thus?* Muſt we beleeue the ſame of the Church, or of the Pope? They haue their certaine limits and bounds, which they cannot paſſe. *The Church is gouerned, or ought to be gouerned by Lawes,* ſaith *Ioh. de Turrecremata.* [e] And therefore it is not permitted neither

a *Hieron. lib. 1. aduerſ. Iouin. Vide Genebr. in Pſal. 98.*

b Pſal 93.

c Pſal. 113.

d Rom. 9.

e *Ad Can. coniunctiones 35. q 2.*

neither to the Church, nor to the Ruler thereof the Pope, by an abſolute libertie, and after the maner of God to determine of all kingdomes and buſineſſes, and to diſpoſe of all things at their pleaſure. That onely is lawfull for them, which is comprehended in the holy writings or traditions of the Apoſtles, teaching their authoritie. Which ſeeing it is ſo, there is none that hath any skill in reaſoning, but may plainly ſee, that the argument deriued from thoſe things which *Samuel* did, can by no meanes be concluded to eſtabliſh the Popes authoritie: vnleſſe it be deduced either from the ordinarie power of the Synagogue (wherein notwithſtanding *Samuel* was not the chiefe) to the ordinarie authoritie of the Chriſtian Church, or from the extraordinarie miniſterie of *Samuel*, to the extraordinarie miniſterie likewiſe of the Pope: whereof the former, from the Synagogue to the Church, although it may be rightly concluded in forme as they ſay, yet it commeth ſhort for the purpoſe, becauſe it offendeth in matter; becauſe the Synagogue hath neuer had any temporall power ouer Kings. And the latter is not of force, but in that caſe, that the ſame may befall to the Pope now, which befell to *Samuel* in thoſe times: viz. that as the Lord ſpake to *Samuel* touching *Saul*, ſo he ſhould ſpeake to the Pope by name, about the abdication of ſome certaine King, and of ſubſtituting an other in his place. For in this caſe it cannot bee denied, but that the authoritie of the Pope is equall to *Samuels*, and his Miniſterie alike in executing the Commandement of God. But if not, I meane if the Lord hath not expreſly ſpoken to the Pope in his eare, I pray you how can it be, that when he deſires by his owne proper authoritie to thruſt any King out of his Throne, that he ſhould maintaine, that hee doth it by the example of *Samuel*, whom God did delegate by a ſpeciall charge, and an extraordinarie miſſion, to ſignifie his decree touching the abdication of *Saul*? *Samuel* knew certainely, that God had reiected *Saul* and all his race, that they ſhould not

 raigne;

raigne; for the Lord told him so much. But the Pope knowes not, whether God haue reiected that Prince whom he desires to depose, vnlesse God hath specially reuealed it to him. Seeing there is nothing more certaine by the Scriptures, then that God doth for diuers causes tolerate wicked Kings, and contemners of his word, and doth cause them to raigne for the time, [f] whom when it pleaseth him, he either conuerteth to him, or euerteth and ouerthroweth. And it happeneth often, that they whom the Pope, who iudgeth according to outward appearance, pronounceth vnworthie to raigne by their present conditions and state of life, those the Lord, to whom all things are present, declareth to be most worthie to raigne, their mindes being conuerted to holinesse and grace: whereof not long agone we haue seene a memorable example now in our age. For who knoweth not (I speake it to the honour and glorie of this great King) that HENRY the IV. who now most happily gouerneth the sterne of the Kingdome of France, and I pray God he may gouerne long, was not onely excommunicate by *Gregorie* and *Sixtus* Popes, but also was so reiected, and abandoned, and deprived of all right of Kingdome, that by their censures they declared him vncapable of any kingdome or gouernment whatsoeuer; whose iudgement the Lord indeed did laugh to scorne, and demonstrated that the King, which was reproued by them, was most worthie of a worthie Kingdome. Seeing then these things stand thus, and are altered and changed at the pleasure of God, how can the Pope know and vnderstand the pleasure and will of God, vnlesse like vnto *Samuel* he be aduertised before? Therefore that which *Sanders* saith, *That King who shall refuse to heare the Lord speaking by the mouth of the Pope, &c.* is true in the case wherein the Pope is supposed to execute those things which the Lord shall command him by speciall reuelation. For otherwise what shall we say? *Philip* the Faire, did he therefore disdaine to heare the Lord speaking by the mouth of

[f] Iob 34.

of the Pope, becauſe he would not heare *Boniface*, ſwelling with a moſt proud ambition? that it ſhould bee thought that he might bee by *Boniface* depriued of the right of his crowne, and an other to bee ſubſtituted in his place? What ſay you to *Lewes* the XII. becauſe he would not heare *Iulius* the II. being complete armed, and playing the ſouldier rather then the Pope? did hee ſeeme to haue contemned God, ſpeaking by the mouth of the Pope, ſo farre, as both he and his fauourers ſhould deſerue to be condemned and turned out of their Kingdomes, at the pleaſure of man, that boiled inwardlie with a priuate hatred againſt him? To beliue ſuch matters, good Lord, ſhould I tearme it ignorance, or madneſſe? But this is enough touching the firſt argument of *Sanders* propounded by vs.

His ſecond argument, (to confeſſe plainely the weakneſſe of my witte) I doe not well vnderſtand to what purpoſe it aimeth. For that it may haue ſome ſtrength and force to proue the point which is in hand, and to bee conſequent and agreable to that which is concluded, we muſt of force admit two moſt falſe ſuppoſitions as true and neceſſary. Whereof one is, That they who either did foretell any thing that ſhould come to paſſe by reuelation from God, or by his commaundement, willed any thing to bee done, might by their own right, I meane, by their proper authority, and ordinary vertue of their office, without any ſpeciall reuelation, or commaundement from God, commaunde the ſame, whatſoeuer it was to be done, or otherwiſe might execute and diſcharge the ſame by themſelues. As though *Ahias* the Silonite, whome God had ſent to *Ieroboam* with a ſpeciall charge, that hee ſhould tell him, that he will giue him ten Tribes out of the Kingdome of *Salomon*, in theſe words, *Thus ſaith the Lord the God of Iſrael: Behold I will rent the Kingdome out of the hand of Salomon, and will giue thee ten Tribes.* As though, I ſay, *Ahias* without any ſuch expreſſe commaundement of God, &

without any speciall reuelation, might haue called *Ieroboam* or any other into *Salomons* Kingdome, or into part thereof. Then which nothing can bee said more falsly, or fooliſhly. And the other ſuppoſition is, that all Prieſts and Prophets of the old law, had authority to beſtow & to take away kingdoms, ſo farre forth as they thought it expedient for the ſafety of the people, which alſo is moſt falſe, neither is there to bee found in all the ſcriptures any example, or ſteppe, or token of the ſame. Seeing then the whole force of this ſecond argument is ſo grounded on theſe two falſe ſuppoſitions, that it cannot bee rightly concluded, except they be granted, & that it is euident enough, that there is no firme conſequence, *à poteſtate delegatia Principe, ad poteſtatem ordinarij*, that is, from the authority of a Committee from a Prince, to the authority of an ordinary officer, who doth not ſee by his owne iudgement, without much Logicke, that all this buſines which he hath drawn from the prediction of *Ahias*, is as farre as may be from that which he hath vndertaken to proue?

The third argument alſo is euen of the ſame ſtuffe; for what relation hath the extraordinary miſſion of *Elias*, for the ſpeciall execution of certaine buſines to the ordinary office of the Pope? or what coherence and connexion of theſe two Propoſitions can there be? *Elias*, at the Lords commaundement by name; (for that *Sanders* omitted, which notwithſtanding could not be omitted without blame,) *annointed Aſael King ouer Syria, and Iehu King ouer Iſrael, and Eliſeus a Prophet for him: Ergo* the Pope may take away and giue kingdoms and principalities as hee ſhall thinke good? For theſe cannot be ioined together, vnleſſe this *medium* bee ſet downe and granted; *That the Pope may doe as much by the authority of his ordinary iuriſdiction, without the expreſſe commaundement of God, as the Prophets could when the Lord commaunded ſpecially and expreſly*, which cannot bee ſaid without great iniury to God.

But

But as touching the ſword of *Elizeus*, whereof hee ſpeaketh: Firſt, hee doth with much learning and pie-ty diſcourſe of the ſame. That it may bee vnderſtood of the ſame. That it may be vnderſtood of the ſpiritual ſword, which is in the Church, & in the hād of the Pope, whome no man whatſoeuer hee be, either King or Em-perour can auoide: and which is placed by the Lord in the laſt place; both for that it is ineuitable, and ther-fore the more to bee feared then the other; as alſo for that the bodies onely are killed by them, but the ſoules by this. But afterwards, when hee proceedes after his manner, and by interpretation tranſferreth that place of ſcripture, and an other of the reuenge of *Elias* vpon the two companies of 50. & their ſouldiers, to the tem-porall authority of the Pope, he ſlideth into that ſhame-full errour which wee noted afore, which is, that Pro-phets without ſpeciall commiſſion, or diuine reuelati-on, might by their owne authority and pleaſure cha-ſtiſe euen with capitall puniſhments all thoſe whome God had decreed by a ſecret diſpenſation to take re-uenge vpon either by miracle, or otherwiſe, either to manifeſt the glory of his maieſty, or to vindicate the iniuries of his ſeruants; and that which God had commaunded to be done onely by one meane, that they may execute by other waies, and meanes as pleaſe them; that hereby he may proue as by a neceſſary conſequēce, that the Pope (whoſe authority is no leſſe, yea greater in the new law then was the authority of the Prophets and Prieſts in the old) may doe full as much by his A-poſtolicke authority.

But who doth not know, that God hath granted many things to the praiers of his ſeruants, and for their ſakes hath wrought many thinges wonderfully, euen without their prayers, which it was not lawfull for them by any way or meane to attempt, much leſſe to execute, if hee did not commaund it firſt? The reaſon whereof is plaine and euident in the perſons of the Prophets. For

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it is cleare amongſt all men, that none of the Pro phets had any authority and gouernment ouer the Hebrewes, beſides a very few, who were both Prophets and Princes of the people and Iudges together, as *Moſes*, *Ioſue*, *Samuel*, *Dauid*. But the reſt, although they were inſpired from God, yet they liued priuately without any temporall gouernment, declaring and executing thoſe things onely, whereof they were aduertiſed by the ſpirite of God; and all their preſcience and fore-knowledge was ſo tempered and moderated from heauen, that they might know and foretell neither all things, nor at all times, but ſo farre as was imparted vnto them by the ſpirite of God; whereof the Prophet *Iadon* is a witneſſe, who being deceiued by the falſe Prophet, affirming that the Angell of the Lord had ſpoken with him, did not vnderſtand that hee lied, and thereby was craftily a-

g 3.Reg.13. buſed and brought to deſtruction g, *Eliſeus* alſo is witneſſe, who when the poore Sunamite lay at his feet, ſaid to *Giezi* that deſired to remoue her, h *Let her alone, for her ſoule is in bitterneſſe, and the Lord hath hidit from me,*

h 4.Reg.4. *and hath not told me.*

Therefore, whereas *Sanders* asketh, whether *Elias* could not ſay to ſome principall man or magiſtrate, if hee had beene preſent; *runne vpon theſe Souldiers and kill them? and if ſo bee that Prince had offended, if vpon Elias his word, he had ſlaine the Kings ſubiects*; that cannot be reſolued but by the tenor of Gods pleaſure known in euery buſineſſe. And therefore as concerning *Elias* in this caſe; if God did giue him commiſſion to puniſh ſuch offenders, either ſpecially by the ſword, or generally by any meane whatſoeuer: no man doubts, but that hee might without ſinne commit to any man the authority and execution of the ſword, and any man without offence might vndertake to execute that commaundement. But if, as it is likely, the Lord had only reuealed ſo much to him, that he would deſtroy with fire from heauen thoſe wicked deriders and ſcoffers:

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he was onely to expect that, and to practise nothing else against them, after the guise and fashion of men, or giue order at his pleasure to execute any ciuill punishments vpon them, which he might not doe without impietie, because he had receiued neither from God nor man any ordinarie, nor warranted & delegated iurisdiction to do it. And for that cause he had sinned grieuously, if he had willed or perswaded any Prince or Magistrate any such thing; and these also had sinned, if vndertaking his commaundement, they had slaine the Kings subiects[i]. Nothing can be propounded more certainely and plainly then this distinction, that it is a wonder, that so absurd an opinion should fall from *Sanders*, as to thinke that *Elias* might simply, and without the expresse commaundement of God, execute death vpon the Kinges souldiers, in what manner hee listed. Now the reasons he vseth for the strengthning of this opinion of his, are friuolous, and vtterly vnworthy to bee brought by a man of a sharpe iudgement, especially a Diuine for the diciſion of such a question. *That seruice, which the fire from heauen did, saith he, could not the earthly sword haue performed the same?* Yes surely could it, and not onely a sword, but also any other weapon, if it had beene vsed by Gods commaundement; neither did any euer doubt of that. But because the Lord prepared that reuenge by fire onely against the fifty, and acquainted the Prophet in the spirit with his purpose[k]; *Elias* neither ought nor could take his reuenge by any other instrument or meane, vnlesse the same had likewise beene declared to him by the same spirit, because in matters not reuealed he was neither ordinary or extraordinary Iudge. Moreouer, if that which the lawes of men doe ordaine and enact: *When any man is condemned to be punished with the sword, hee ought to bee punished with the sword, not with an axe or bill, or club, or halter, or by any other way*[l], Who is so auerse from truth, and from all reason to belieue, that one certaine and particular manner of execution, being prescribed by the Lord, may be

i *L. non solum. 11. §. semanda to. D. de iniur. libr. reprehendenda. C. de instit. & substi.*

k *Liran in illum locum.*

l *Aut. damnũ 8. §. 1. de pœn.*

changed by man into an other forme and kind of punishment? For as in all businesses[m] the ends of the commaundement are to be kept diligently, so chiefly in the diuine commaundements,[n] *God hath charged that his commaundements be kept seuerely*.

m *L. diligenter D. mandat.*

n *Psal.* 118.

Hereby it appeares, that it is very sleight and slender which he laieth downe for a strength of his conceit, *That with wise men it maketh no matter, what is made of those things which are of the same moment and weight.* And herein his errour is double: one because he draweth that Maxime of his to vniuersallie and generallie, to all those things which are made by nature, or Art, or hand: whereas notwithstanding, as touching humane actions it is certaine, that that sentence hath place onely in those things, which men doe of their owne accord, or vpon a commission receiued with free liberty of execution: as for example, that he is called a murderer, who by villany hath beene the cause of any mans death by any meane or instrument, because in such a crime it skilleth not what is made by those things, *quæ eiusdem ponderis & momenti sunt*. But in the case wherein any thing is commended strictly, and by name to any mans trust to be performed in a certaine manner, and after a certaine forme, the lawes doe not allow the Committee to execute the same any other way, as appeareth plainely, by the place which I related aboue, and infinite others of the Ciuill and Pontificiall law.

His other errour is, that he thinketh there is no ods nor difference, if wicked men be strooken with a diuine thunderbolt from God, or with force of weapons by the power of men; because he saith, that they haue both one weight; for although there be one effect of all extreme punishments, that is, the death and destruction of the condemned, yet there is much consideration to bee had, by what manner and meane the same is executed vpon the guilty, because there bee degrees as of crimes, so of paines: and hereby it commeth

meth to passe, that by the kind of the vltion, and grieuousnesse or lightnes of the punishment, we iudge of the hainousnesse of the offence, by the proportion and resemblance of the punishment with the fault o. For the distribution of punishments and rewards doth require a Geometricall proportion. The Poet saith pretily p.

——————————————adsit
Regula, peccatis quæ pœnas irroget æquas:
Ne scutica dignum horribili sectere flagello.

But *Where greater punishments doe follow, let him bee corrected with greater punishment* q. Excellently saith S. *Augustine* r. As al other things: *Who doubteth, but that this is the more hainous offence which is punished more seuerely?* Therefore doth he verie vndiscreetelie determine that all punishments being taken by sword, by fire, by famine, and by other means, are of the same waight and heauines, that he might conclude, that the Prophet had discharged his dutie, if hee had procured to haue them slaine with the earthly sword, whome the Lord said he would strike with a thunderbolt from heauen. Who doth not know that the anger and reuenge of almighty God doth shine much more brightlie in punishments, not which are inflicted after the ordinary manner of men, but are sent strangelie & miraculously from heauen? or who can weigh matters so vneuenly in his iudgement, as to say, that they perished by punishments, equall for grieuousnesse, who being swallowed vp by the gaping earth, descended aliue into hell, as well as those who are taken away by the ordinarie or extraordinarie punishments of mans lawes? And hitherto I thinke I haue said enough of these reasons of *Sanders* which were omitted by *Bellarmine*, not without cause. Now let vs returne out of this by-path to *Bellarmine* againe.

o *L. perspiciendum. D. de pœn lib. Pedius. D. de incēd. rum. naufr.*
p *Hora. lib. 1. Saty. 3.*
q *Greg. lib. 7. epist. 53. can. quia sanctitas. dist. 50.*
r *Lib. 2. de baptismo contra Donatistas, ca. 6. in fi. Cannon afferamus. 24. q. 1.*

Chap. XXXVII.

Hitherto haue I bent the ſharpeneſſe of my beſt vnderſtanding, to enquire with diligence into all the reaſons, which *Bellarmine* or *Sanders* haue touching the temporall authoritie of the Pope. Therefore now it remaineth that with the like care and indeauour I conuert my mind and hand to examine the examples propounded by *Bellarmine*, which truely is but a poore and a weake kind of proofe. For he pretends that his opinion is proued two manner of wayes, by reaſons and by examples; I could haue wiſhed with all my heart that hee had brought forth ſtronger reaſons: the affection which I beare to the Sea Apoſtolique, doth ſo affect and poſſeſſe me, that I doe very earneſtly deſire that all the authority which this author doth attribute vnto her, may bee alſo allowed by the beſt right that can be. But wee haue heard his reaſons already, now let vs heare his examples.

The firſt is, ſaith he, 2. *Paralip.* 26. *Where we read that Ozia the King when hee vſurped the Prieſts office, was by the high Prieſt caſt out of the temple, and being ſtroke by God with a leproſie for the ſame offence, was forced to goe out of the City, and to leaue his kingdome to his Sonne. For it is plaine, that hee was put out of the City and gouernement of the Kingdome, not of his owne accord, but by the ſentence of the Prieſt. For we reade in the* 13. *of Leuit. Whoſoeuer ſaith the Law, ſhall bee defiled with the leproſie, and is ſeparated by the iudgement of the Prieſt, hee ſhall dwell alone without the Campe. Seeing then this was a law in Iſrael, & withall wee read,* 2 *Paralip.* 26. *that the King dwelled without the City in a ſolitary houſe, and that his ſonne did iudge within the City the people of the land; we are conſtrained to ſay, that he was ſeparated by the iudgement of the Prieſt, and conſequently deprined of the authority of raigning. If therefore a Prieſt could in times paſt iudge a King*

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for a corporall leproſie, and deprine him of his Kingdome; why may not he doe it now for a ſpirituall leproſie, that is, for hereſie, which was figured by the leproſie, as Auguſtine teacheth, in quæſt. Euangel. lib. 2. quæſt. 40. eſpecially ſeeing 1. Cor. 10. *Paul doth ſay, that all happened to the Iewes in figures?* Thus he.

I haue often wondred, and yet cannot leaue wondring, that men famous for the opinion of learning, ſhould commit their thoughts to writing in ſo ſleight and homelie a faſhion, that a man would thinke they had not read the Authors which they commend, or haue not fully vnderſtood thoſe they haue read, or that of ſet purpoſe they would corrupt their meaning; which fault is very common in our age: wherein moſt of the Writers following the credit of other men, doe draw the teſtimonies and authorities of their aſſertions, not from the Fountaines themſelues, but from the Riuers and Pipes, being corruptly deriued by the negligence and fault of other men; ſo as looke what the firſt haue either malitiouſly or negligently detorted and wreſted to another ſenſe, that others truſting to their ſearch and iudgement, doe tranſcribe into their bookes, for certaine and vndoubted teſtimonies. Which although it be very ſeldome found in *Bellarmine*, being a faithfull and a cleere Author, yet it cannot be denied, but that hee following vnaduiſedly *Sanders* and others, hath not erred a little in the three Chapters of the affirming the Popes temporall authoritie, eſpecially in propounding the former example, and this following.

I prooued long agoe, in my bookes *contra Monarchomachos*, that it was moſt falſe, *That Ozias was deprined of the authoritie of his gouernment by the iudgement of the Prieſt.* For in very truth, there is nothing more expreſly deliuered in the whole hiſtorie of the Kings, then that *Ozias*, from the ſixteenth yeere of his age, wherein hee beganne his raigne, remained King continually vnto the 68. yeere, which was the end of his life; and that hee was

nor any time depriued of the authoritie of his gouernement. Indeed it is true, hee dwelt apart in a houſe by it ſelfe; and therefore, by reaſon of his ſickneſſe, hee could not execute thoſe duties of a King, which conſiſt in action: but that tooke not from him his intereſt in his kingdome, nor authoritie of gouernment. Otherwiſe wee muſt denie, that children being inaugurated and crowned, as in times paſt b *Ioas*, and c *Ioſias*, and men of lawfull age, are any Kings, if once they fall into any grieuous diſeaſe of minde or bodie; ſeeing they are hindred by their youth, theſe by their ſickneſſe, from the procuration and gouernment of the Kingdome, which conſiſteth in action. For the Scripture ſaith, *In the 27. yeere of Ieroboam King of Iſrael, raigned Azarias (who was called both Ozias and Zacharias) the ſonne of Amaſias King of Iuda: he was ſixteene yeeres of age when hee began to raigne, and raigned 52. yeeres in Ieruſalem.* And againe in the ſame Chapter: *In the 52. yeere of Azariah King of Iuda raigned Phacee the ſonne of Romelias ouer Iſrael in Samaria.* And *Ioſephus* teſtifieth that this *Azariah* or *Oziah* died in the 68. yeere of his age, and the 52. of his raigne. d If therefore *Ozias* began to raigne being 16. yeeres of age, and raigned 52. yeeres, as the Scripture witneſſeth, and died in the 68. yeere, what ſpace, I pray you, in his life can be found, wherein he was iudged and depriued of his right in his Kingdome? In the meane time his ſonne was Curator or Regent to him, as they are wont to haue, e *qui in ea cauſa ſunt, vt ſupereſſe rebus ſuis non poſſint.* For it is added in that ſtorie; *Ioatham the ſonne of the King gouerned the palace, and ruled the houſe of the King, and iudged the people of the Land.* Marke, I pray you, that *Ioatham* is called the ſonne of the King, in the life and ſickneſſe of his Father, and Gouernour of the Palace, and Ruler of the houſe of the King. Now hee iudged the people, becauſe iudgements could not come to the King, through the force of his diſeaſe, and the ſeparation by the preſcript of the Law of God: as *Lyranus* teacheth in that place.

b 4. Reg. 11.
c 4. Reg. 22.
d *Lib. 9. antiq. ca. 11.*
e *L. his qui 12. D. de tutor. & cur dat l. 2. D. de curat. furioſ.*

place. To be ſhort, the Scripture ſaith: *And Ozias ſlept with his Fathers, and they buried him in the Field of the Kings Sepulchers, becauſe he was leprous; and Ioatham his ſonne raigned in his ſtead.* Marke againe, that *Ioatham* beginneth not to raigne, but after the death of his Father. Therefore although it bee true, that *Ozias*, by reaſon of his leproſie, was ſeparate by the iudgement of the Prieſt, becauſe it was expreſly prouided by the Law of God: yet it is not true, that hee was depriued of the authoritie of raigning, or enforced to renounce his Kingdome to his ſonne, as theſe men falſely doe auerre. The authority of raigning, and the adminiſtration of a Kingdome, doe differ very much, and no leſſe then in the ciuill Law, proprietie and poſſeſſion. The authoritie is alwaies in the perſon of the King, and is ioined with the right of the Crowne: but the gouernment and procuration, or adminiſtration, may fall into other mens hands; ſo as one may be King, and another the Gouernour. Whence they who in the minoritie or diſeaſes of Kings, doe beare the higheſt place of gouernment in the Kingdome, are honoured with the title of Gouernour, Regent, Tutor, Protector, or ſome ſuch like; and they propound nor handle any publike affaire in their owne name, but in the name and authoritie of the King, being either infant, or ſicklie.

Therefore this example of *Ozias* is ſo farre from helping any thing to this temporall authoritie of the Pope ouer Kings, as it maketh very much for to impugne and ouerthrow the ſame. For if (as he reporteth out of the Apoſtle, and wee confeſſe) that all things befell to the Iewes in figures, and if the corporall leproſie, for which a man was ſeparated from the multitude of the children of Iſrael, and dwelt alone without the campe, was a figure of the ſpirituall leproſie, that is, of hereſie, by *Auguſtine* his teſtimonie; to bee ſhort, if the Prieſthood of *Aaron* was a figure of the Prieſthood of the new Law; out of theſe figures two arguments are appoſitely drawne to this queſtion:

queſtion: whereof the former doth notably confirme the ſpirituall authority of the Pope ouer Chriſtian Kings and Princes; the other prooueth, that this temporall authoritie of his, whereof we ſpeake, is altogether commentitious, and forged, vſurped, and contrarie to the Law of God.

The former argument is framed thus: As the Prieſts in times paſt baniſhed out of the Temple King *Ozias*, being ſtrucke with the leproſie, that he might dwell without the Citie; ſo at this day the Pope may iudge, and by excommunication ſeparate from the communion of the faithfull, a King infected with hereſie, which is a ſpirituall leproſie, and ſo conſtraine him to dwell without the Citie, that is, without the Church Catholike, vntill hee be cleanſed from his leproſie, that is, vntill hee haue abiured his hereſie. But if ſuch a leproſie ſticke by him till death, hee is not to bee buried in the Sepulchers of the Kings, that is, in the Church, but in the field, becauſe hee is leprous, that is to ſay, an hereticke. Now that I ſaid, that the Pope might ſeparate an hereticke King by excommunication from the communion of the faithful, it muſt bee vnderſtood of the ſpirituall ſeparation of ſoules, and not of bodies. For ſubiects ought not to denie their obedience to an excommunicate King.

The ſecond argument may rightly bee concluded in this forme: As the iudgement of the Prieſt of a corporall leproſie, in the old Law, wrought nothing but the ſeparation of the leprous, and relegation without the Campe or Citie; and as the iudgement of the Prieſt touching the leproſie of *Azaria* or *Ozia*, could not take from him the right of his Kingdome, but onely impoſed on him a neceſſitie to dwell by himſelfe without the Citie, (for in that he did not actually, as they ſay, gouerne the Kingdome, that fell out, not through the ſentence of the Prieſt, who iudged of the leproſie, but the force of the continuall diſeaſe of his bodie) ſo alſo at this day the cenſure and ſentence of the Pope, whereby hee iudgeth

and

and declareth a King to bee an heretieke, although it cauſe a King to remaine without the Citie of God, that is, without the Catholike Church, as hath beene ſaid; yet it cannot take from him the right and authority to raigne: and ſo the figure doth very fitly conuene with the figured. For in theſe figures of the old Teſtament, the image of the authoritie of the Pope ouer Kings is not onely drawne in lineaments, but fully expreſſed to the life; that if any fit argument may be drawne from the ſhadow to the body, from the figure to the figured, none can more euidently or aſſuredly bee fitted then theſe, from the conſtitution of the old Law, to the obſeruation of the new. But if the aduerſaries out of all the figures of the old Law, can ſhape any one like to this for the ſtrengthening of their opinion, they ſhall haue my voice for the bell: ſurely they ſhall neuer finde mee againſt them. Therefore now let vs ſee the ſecond example.

CHAP. XXXVIII.

THe ſecond, ſaith he, *is out of 2. Paralip. 23. wherein when Athalia had tyrannouſly vſurped the Kingdome, and maintained the worſhip of Baal, Ioiada the high Prieſt called the Centurions and the Souldiers, and commanded them to kill Athalia, and in her place did chuſe Ioas King. Now that the high Prieſt did not counſell, but command, it appeareth by thoſe words, 4. Reg. 11. And the Centurions did according to all which Ioiada the Prieſt commanded them: alſo by theſe words, 2. Paralip. 23. But Ioiada the high Prieſt going out to the Centurions and Captaines of the Army, ſaid vnto them, Bring her out, meaning Athalia the Queene, without the doores of the Temple, and let her be ſlaine without by the ſword. And that the cauſe of this depoſition and execution of Athalia, was not only her tyranny, but alſo, for that ſhe maintained the worſhip of Baal, is plaine out of thoſe words which follow immediately after her death: Therefore, ſaith the Scripture, all the people went into the houſe of Baal, and*

deſtroied it, and brake down the Altars and Images thereof. They ſlew alſo Mathan the Prieſt of Baal.

Surely I doe not know what mooued *Bellarmine* to thruſt vpon vs this example, ſo remote and farre off from the matter and controuerſie: vnleſſe becauſe hee had obſerued that it was propounded by others before him, fearing peraduenture, leſt if he had omitted it, hee ſhould be accuſed by ſome emulous aduerſaries, of negligence and preuarication to Pope *Sixtus* V. who being beyond all meaſure imperious and haughty, and not greatly fauouring the ſocietie of the Ieſuites, determined to reduce that whole Order to a ſtraighter rule and habit of life, which ſhould bee diſtinguiſhed from the Secular Prieſts in colour, forme, or ſome other outward marke. Therefore I doe muſe with my ſelfe, how they obtained of him that Bull, that they might occupie the perpetuall Dictature of the Vniuerſitie of Pontimuſſa, that is, that they ſhould for euer bee Rectors, or Preſidents, againſt the forme and ſtatutes of that foundation, made by *Gregorie* the XIII. There be that thinke, that the Bull was ſuppoſititious, that is, deuiſed and counterfait. Surely although it were true and granted by *Sixtus*, yet it ought not to bee of force, becauſe it was obtained preſently after his creation: at which time, whatſoeuer the Popes doe grant, is iudged not ſo much to be obtained of them, as to be extorted from them. [a] But to the matter.

[a] *Gloſ. in proem. reg. Cancell. Neuiſa. in ſyl. nuptial. Rebuff. in tract. vt beneficia aut. vacat. nu. 9. & 10.*

That the example touching *Ioiada* and *Athalia* belong nothing to this diſputation, it appeareth by this, that all our controuerſie ſtandeth in this: Whether the Pope bee endued with ſo great authority ouer lawfull Kings and Princes Secular, that hee may for certaine cauſes caſt them downe from their Throne, and depriue them of the right of their Kingdome, and anoint and inaugurate others in their places. But the example of *Athalia*, is of a woman which held the Kingdome by no right, but by moſt cruell and ſauage tyrannie, by force and villanie, and by the bloudy murder of the Kings

houſe;

house; who stood therefore in that case, that shee might iustly be slaine of any priuate person, without the commandement of the Priest *Ioiada*. But for that such a matter seemed dangerous to attempt, and hard to compasse against her, who was mother to *Ochozias* the King deceased: therefore there was great neede of the counsell and helpe of *Ioiada* the high Priest, or surely of some other, who likewise either by the greatnesse of his authoritie, or the opinion of holinesse, might assemble, and euen stirre vp the Souldiers and the people to vndertake so noble and worthy an action.

And that this was done, not so much by the commandement, as aduice of *Ioiada*, it is plaine by that which is said: *Ioiada the high Priest sent, and taking to him the Centurions and Souldiers, caused them to bee brought into him into the Temple of the Lord, and hee strooke a Couenant with them.* And that the Interpreters doe note in that place, but the words *inbere*, or *præcipere*, are wont to be spoken of euery man, who hath the chiefe place in a Faction or Societie. Therefore there is nothing found in this example, which hath any the least similitude or agreement with the assertion which is vndertaken by the aduersaries to prooue. The assertion is, that lawfull Princes, that is to say, they who obtaine Kingdomes and Principalities, by right either of Election or Succession, may for certaine causes be deposed from their gouernement by the Pope. And then what doth it helpe for the proofe of this proposition, to propound an example of a Tyrant, or the killing of a Tyrant? Doe they thinke that there is no difference betweene the true Lords and lawfull possessors, and the spoilers and inuaders of possessions which belong not to them? Now whether there were or no any other cause or reason to depose and slay her, besides her tyrannie, it maketh no matter: it is sufficient that she was a Tyrant, and a violent vsurper of the Kingdome, insomuch as there was of her part no hindrance nor barre in Law, but that she might be cast head-

long out of the ſeat, and bee ſlaine by any of the people. Which cannot in like manner be ſaid of a lawfull King; whoſe perſon, although it be wicked, the Law of a kingdome, and the authoritie of rule, ought alwaies to protect and defend, from all iniurie and humane puniſhment; as wee haue prooued otherwhere, out of the writings of the holy Fathers. Now the third followeth.

CHAP. XXXIX.

THe third example, ſaith hee, *is of S. Ambroſe, who being Biſhop of Millan, and by that the ſpirituall Paſtor and Father of Theodoſius the Emperour, who ordinarily did reſide at Millan, did firſt excommunicate him for the ſlaughter which by his commandement was done at Theſſalonica: ſecondly, hee enioined him to make a Law, that the ſentence giuen of the ſlaughter, and of the publication of goods, of them who were ſlaine, ſhould not ſtand good, till after thirty daies from the pronouncing of the ſentence, to the end that if hee had through anger and precipitation of minde, commanded any thing, hee might reuoke it within the ſpace of ſo many daies. But Ambroſe could not excommunicate Theodoſius for that ſlaughter, vnleſſe hee had firſt vnderſtood and iudged of that cauſe, although it were Criminall, and belonged to an externall Court: but hee could not vnderſtand and iudge a cauſe of that nature, vnleſſe alſo he had beene a lawfull Iudge of Theodoſius in an externall Court. Beſides, to conſtraine the Emperour to make a ciuill Law, and to preſcribe vnto him a forme of a Law, doth it not manifeſtly declare, that a Biſhop ſometimes doth vſe a temporall authority euen ouer them who haue receiued authoritie ouer others? And if any Biſhop may doe that, much more the Prince of Biſhops.* Thus he.

And this example alſo is very farre from the matter in queſtion, wherein appeareth neither mention, nor ſo much as any token of a temporall authority of a Biſhop ouer an Emperour, or any thing elſe, whereby it may be concluded by any probable argument, that ſuch

ſuch an authority doth belong to a Biſhop: but wholy belongeth to that ſpirituall authority of a Biſhop which we both in heart acknowledge, and confeſſe with the mouth, that the pope hath ouer all Chriſtians, of what order or place ſo euer they be. *Ambroſe* excommunicated the Emperour for an offence committed by the iniuſt ſlaughter of many men: doth not this belong to the ſpirituall iuriſdiction of the Church, which at this time *Ambroſe* did exerciſe by his Epiſcopall authority? But he could not excommunicate, ſaieth he, vnleſſe he had vnderſtood and iudged of that cauſe before, although it were criminall, and belonged to the externall Court. Yes, he might *de facto* (as vnaduiſed Prieſts doe, whome I haue ſeene ſometimes ſend out an excommunication, without tendring of the cauſe;) but *de iure* he ought not, otherwiſe he ſhould haue beene an iniuſt iudge, if he had puniſhed the delinquent, party without hearing of the cauſe. But let it be ſo: he vnderſtood the cauſe, and iudged him worthy of cenſure, and therefore did excommunicate the Emperour; what then? *But he could not vnderſtand and iudge of ſuch a cauſe*, (ſaith hee) *vnleſſe alſo hee had beene a lawfull Iudge of Theodoſius in an Externall Court.* Alas, wee are catched in a ſnare, vnleſſe wee beware this peece of ſophiſtry: there lurketh in this aſſertion, an exceeding cunning deceit, by theſe words, In an Externall Court. A Court is twofold, Politique or Ciuill: and Eccleſiaſticke or Spirituall. The ciuill Court is wholy externall, the Eccleſiaſticke is ſubdiuided into externall and internall. The externall Court Eccleſiaſticke is, wherein the cauſes belonging to the notice of the Church, are openly handled and iudged; and if they be criminall, puniſhment is taken of them by Excõmunication, interdiction, ſuſpenſion, depoſitiõ, or by other meanes, and oftentimes both the temporall and ſpirituall or Eccleſiaſticall Iudge doe heare the ſame crime, euen in the externall Court: but each of them in his proper Court, and to impoſe

diuers penalties, as the ciuill Iudge taketh knowledge of adultery, *vt sacrilegi nuptiarum gladio feriantur.* [a] The Iudge Eccleſiaſtique alſo taketh knowledge, who hath the care of the ſoule, to admoniſh the offender of his fault, and if he perſiſt in offending, to chaſtiſe him with ſpirituall punishments. But the internall Court of the Church, (which is called the Court of the ſoule, the Court of Pœnitencie, the Court of Conſcience) is that wherein the Prieſt takes notice and iudgeth of the ſins reuealed to him by the conſcience, and in his diſcretion doth enioine him Pœnitency according to the quality of the ſinne. For now the common opinion is, that Pœnitential conſtitutions are arbitrary, that not only the Biſhop, but alſo any diſcreete Confeſſor, may regularly moderate, and [b] mitigate them in the Court of the ſoule. If therefore *Bellarmine* by *forum externum* do vnderſtand the Eccleſiaſticall Court, which is content with ſpirituall paines onely, wee grant all which hee ſaith. For *Ambroſe* was the lawfull Iudge of *Theodoſius* in that Court, and that he openly declared in deed, and in effect, when as hee did excommunicate him. But when this is ſet down and granted, there can nothing bee gathered from hence to confirm the temporall authority of Biſhop or Pope: becauſe aſwell the iudgement, as the puniſhment was ſpirituall. But if *Bellarmine* by *forum externum*, vnderſtand the ciuill Court, it is moſt falſe which he propoundes; for as the powers eccleſiaſticke and ciuill are diſtinguiſhed of God, ſo are their Courts diſtinct, their iudgements diſtinct. *For the ſame Mediator of God and men, Chriſt Ieſus, hath ſeuered the offices of each power [c] by their proper actions, and diſtinct dignities.* Surely hee doth *Ambroſe* great wrong, if he thinke that after hee had obtained the Biſhopricke, hee heard and iudged criminall cauſes in a ciuill Court. *Ambroſe* then was no lawfull Iudge of *Theodoſius*, in an externall ciuil Court, which is inough to proue, that hee could not iudge or puniſh

[a] *L. quamuis. 30. C. ad l. Iul. de adul.*

[b] *Can. de his vbi gloſ. vlt. diſt. 50. gloſ. in can. Menſuram ad ver. Sacerdotis de pœnit. diſt. 1.*

[c] *Can. cùm ad verum. 96. diſt.*

niſh the Emperour with any temporall puniſhment. But you will ſay, *Ambroſe* heard and iudged of the ſlaughter. It is true, but not as a ciuill and temporall Iudge; I ſay, I did not take knowledge of the crime for the ſame end, for which the ſecular Iudge doth: that place out of *Ariſtotle* is very good, *that* [d] *many may take knowledge of one and the ſame ſubiect diuerſly, and after a diuers manner, end and intention.* It is the ſame right angle which the Geometrician ſearcheth to vnderſtand, and the handicrafts man to worke by it. So it is the ſame crime whereof the Laicke Iudge taketh notice, that hee may puniſh the offender by death, baniſhment, the purſe, or by ſome other temporall puniſhment; and which the eccleſiaſticall Iudge knoweth, that for the quality of the offence, he may enioine ſpirituall puniſhment and Penitence.

d *Lib.* 1. *Cap.* 7. *Ethic.*

At coegit Imperatorem ad legem politicum ferendam, viz. he conſtrained the Emperour to make a ciuill law; and therefore hee vſed a temporall authority ouer him. A ieſt. If hee conſtrained him, by what power, by feare of what did hee conſtraine him? The ſumme of the ſtory will teach vs that, which is thus. *Ambroſe* had caſt on *Theodoſius* the band of excommunication, from whence when the Emperour deſired to be deliuered, the graue Prelate denies to doe it, before ſuch time as hee ſee in him ſome fruit of repentance; *what pœnitence*, ſaith he, *haue you ſhewed after ſo hainous a crime, or with what medicine haue you cured your grieuous wounds?* The Emperour anſwered, that it is the office of the Biſhop, to temper, and lay a medicine to the wound, that is to ſay, to enioine pœnitencie to the ſinner: but of the Pœnitent, to vſe thoſe medicines which are giuen him, that is to ſay, to performe the pœnitency enioined vnto him. *Ambroſe* hearing this, for pœnitence and ſatisfaction, he impoſed vpon the Emperour the neceſſity to make this law whereof we ſpeake: which being made and enacted, (for preſently the Emperour commaun-

maunded the law to bee ordained) *Ambroſe* did looſe him fram his bonds of excommunication.

Therefore in this caſe *Ambroſe* vſed no temporall authoritie againſt *Theodoſius*; but whatſoeuer it was he commaunded by vertue and power of his ſpirituall iuriſdiction; neither did the Emperour obey this Prelate for feare of any temporall puniſhment: for if hee would not haue obeied, but(as wicked Princes ſometimes doe,) had contemned both the excommunication and the abſolution, *Ambroſe* could goe no further at all[e]. But becauſe the godly Prince was carefull for his ſoule, leſt hee beeing bound too long with this ſpirituall chaine, might through the long impriſonment gather filthineſſe and vncleanneſſe, hee obeied the will of the Biſhop, and that hee might obtaine of him the benefite of abſolution, hee performed at the admonition of the Biſhop, a temporall office, which ſeemed to bee profitable for the common wealth. Vpon which occaſion the Author of the hiſtory ſaith; *For this ſo great vertue both the Emperour and the Biſhop were famous. For I admire both; the liberty of the one, the obedience of the other. Againe, the burning of the zeale of the one, and the purity of faith in the other.*

[e] *Cap. cùm non ab homine. de iud.*

Ambroſe then conſtrained *Theodoſius*, iuſt as our Confeſſaries at this day doe conſtraine their Pœnitents, to whome they often deny abſolution of their crime, where they ſeriouſly promiſe that they will performe that office or burden, which in place of Pœnitence they lay on them: when as yet they haue no temporall iuriſdiction ouer them. He forced him likewiſe, euen as any of vs vſeth to force his neighbour, or fellow Burgeſſe, when we deny that to him, which hee deſireth to be done or giuen him by vs, vnleſſe hee firſt do that which wee deſire for our friends ſake or our own. To be ſhort, it is a common thing that a man is conſtrained or enforced by reaſon, by loue, by griefe, by anger, and by other affections and paſſions of the mind

mind, without any authority of temporall and ſpiritual iuriſdiction.

Theſe things ſtanding thus, it is worth the obſeruation in this example, that the Eccleſiaſticall power doth often with feare of ſpirituall puniſhment enforce men to performe temporall duties, as in this place, *Ambroſe* did the Emperour; and of the contrary, that the ciuill power doth many times, by feare of temporall paines, driue others to performe ſpirituall offices, as when a Prince compelleth heretickes or ſchiſmaticks to returne to the Church, for feare of bodily puniſhment, or loſſe of goods: and yet neither can the one impoſe temporall puniſhment, nor the other ſpirituall, but by accident, as they ſay. The fourth followeth.

The fourth, ſaith he, *is of Gregory the firſt, in the Priuiledge which he granted to the Monaſtery of S. Medardus, and is to bee ſeene in the end of the Epiſtles. If* (ſaith he) *any King, Prelate, Biſhop, or perſon whatſoeuer, ſhall violate the decrees of this Apoſtolicke authority, and of our commaundement of what dignity or honour ſoeuer he be, let him be depriued of his honour.*

If Biſhop *Gregory* ſhould liue at this day, and vnderſtand that theſe words of his are taken in that ſenſe, as though he had authority to depriue Kings of their honour and dignity, hee would ſurely cry out, that it is a calumnious, and a wreſted interpretation, and that he neuer ſo much as dreamed of any ſuch matter; and indeed thoſe things which in other places are left written by him, doe vtterly diſcredite this expoſition. Theſe then are the words, not of a commaunder, but of a curſer, whereby he chargeth and adiureth all kind of men, that they doe not violate the priuiledge granted by him, which if they ſhall doe, that God will be the reuenger to depriue them of honour: which kind of admonition and imprecation is at this day wont to bee added to the ends of the Popes Bulles, and conſtituti-

ons, in this manner. *Therefore it may be lawfull for no man to infringe this page, &c. or of presumption to contrary the same: but if any shall presume to attempt it, let him incurre the indidgnation of Almighty God, and of the blessed Apostles, Peter and Paul; (or that which is the same) let him know that he shall incurre.*

CHAP. XL.

BY that which hath beene said, the Reader will easily see, that it is true, which before I set down; that there cannot bee found, either in the holy Scriptures, or writings of holy Fathers, any printe or example of the temporall authority of the Pope: and therefore that they do not well, nay, that they offend very greeuously, who labour to strengthen an opinion most false in it selfe, by arguments and examples so remote and impertinent. By these meanes they deceiue the vnlearned, and are derided by the learned. I haue already proued very plainely, that there is no force in the former examples, to proue that, which the aduersaries affirme. And for the examples following, I take lesse thought to answer: For although some of them doe fit the purpose of the aduersaris, and shew that Popes did sometimes vse temporall authority, in the last ages of the Church; notwithstanding because they containe nothing but the singular actions of Popes, who, no man denieth but that they were men, and might commit faults and slippes, after the manner of men, (in so much as it is now celebrated by a common Prouerbe, which we remembred before out of Sotus: *Factum Pontificum non facit fidei articulum*; (that is, The act of the Popes doth not make an article of faith:) therefore touching their acts, wherin they haue endeauoured to exercise such an authority, the question and disputation is behinde, touching the lawfulnesse thereof, whether they were done lawfully, yea or no? Neither ought that to moue vs at all,

the

the writers of the ſtories, who haue in their writings recorded the acts of the Popes, haue added no note or touch of reprehenſion, but rather haue allowed and commended them. For I ſee that there were many reaſons for that. Firſt, becauſe all the writers of that time were either Monkes, or at the leaſt Clergy men, who tooke moſt care, to increaſe and amplifie the dignity of the Popes: and therefore they were very wary and heedfull; not to reprehend, or checke any actions of the Popes, and to accuſe them of iniuſtice. Secondly, for that in thoſe times ſo great was the opinion of the Pope, that the multitude receiued and embraced in eſtimation all his actions, as if they had beene done by God himſelfe, in which reſpect *Iohn Gerſon* ſaid not without reaſon, *That the common people doth imagine the Pope as a God, who hath all authority in heauen and in earth.* My ſelfe haue ſeene aboue fifty yeares agone in Scotland, when as that Kingdome did as yet ſtand ſound in faith and religion, that the name of the Pope of Rome, (for ſo they ſpake Scotiſhly, the Pape of Rome,) was had in ſuch reuerence with the multitude, that whatſoeuer was told them to haue beene ſaid or done by him, was eſteemed of all men as an oracle, and as a thing done by God himſelfe. Laſtly, for that a preſent danger did hang ouer their heades, which danger to this day bindeth the hands, and muſſles the mouthes of many, leſt, if they ſhould write any thing which was harſh and vnpleaſing to the Pope, or ſhould taxe and find fault with his actions, as well the writer as his writing, ſhould forthwith be ſtricken with the Popes curſes; which cannot ſeeme ſtrange to thoſe, who doe know that the anger and arrogancie of Pope *Sixtus V.* did burne ſo farre, that as I touched before, hee had determined to deſtroy, and quite extinguiſh the trim and goodly diſputations of *Bellarmine*, becauſe hee thought that that excellent Diuine, had not ſufficiently inough ſatisfied his ambition, when as notwithſtanding hee had giuen

him a great deale more then he ſhould haue done. Beſides all theſe reaſons, this is ſomewhat, that the chiefe dutie of a ſtory writer, conſiſteth in reporting, not in iudging, in which regard, many who excelled more in remembrance of things done, then in iudgement of them, applied their thoughts to the hiſtoricall narration, and contenting themſelues with the naked and ſimple relation onely of all occurrents, did leaue indifferent the equity thereof to all mens cenſures.

Therefore although wee owe to thoſe men the true knowledge, and faithfull report of matters paſſed, which they in their writings reſerued and conuaied to poſterity: yet we apprehend and receiue the equity and iuſtice of thoſe actions, not from the commendation of the writers, but either from the authority of the ſcriptures, or traditions of the Apoſtles, or the ancient decrees of the Church, or laſtly from the right rule of naturall reaſon. And ſo here will be the point alwaies to enquire and examine the equity of euery action, and to ſearch diligently, not what the author of a ſtory hath praiſed or diſpraiſed, but what ought to bee praiſed or diſpraiſed by good right and deſert[a]. Therefore I ſtand not much vpon examples, which neither are found and commended in the Scriptures, nor are not proued to be worthy commendation, by ſome of thoſe waies at the leaſt, which we haue ſet downe. For aſſuredly, it is a very dangerous matter, for a man to propound to himſelfe examples to imitate, being not before weighed in this ballance, and by theſe waights, ſeeing that they that apply themſelues to reade monuments of antiquity ſhall more often light vpon more euill examples then good and vertuous. For which cauſe the Emperour doth grauely admoniſh all Iudges, *non exemplis ſed legibus eſſe iudicandum*, and that in all buſineſſes, they ought not to follow that which hath been by great Magiſtrates before them[b], *ſed veritatem, legum & inſtitiæ veſtigia.*

[a] *L. Sed licet 12. D. de off. præſid.*

[b] *L. nemo iudex. 13. C. de ſent. & interlot.*

Theſe conſiderations aduiſe me, not to dwell verie long

long vpon the prolixe and exquisite discussion and examination of the rest of the Examples, produced by *Bellarmine*, vnlesse I shall obserue peraduenture, that there is somewhat couched in them, whereby the vnwary Reader may be ensnared, vnder a pretence and opinion of a truth. Therefore for some of them let vs see which, and what they be.

The fift is of Gregory the II. saith he, *who forbad tribute to be paid by the Italians to the Emperour Leo the Image-breaker, being excommunicate by him, and by that meanes cut a part of his Empire from him.*

Surely I thinke in this example the truth of the businesse as it passed is not set downe, although I know it is so reported by certaine Writers of storie. And that which induceth me to thinke so, is both the excellent learning of that Pope, ioined with a speciall integritie of life, and also the testimony of *Platina* in this matter; who amongst all the worthy actions of that Pope, reporteth this, that by his owne authoritie hee withstood the Italians, being willing to fall away from that impious Prince, and to chuse another Emperour ouer them. For so writeth *Platina*. *But then the Emperour Leo the Third, when hee could not openly inueigh against the Pope, publisheth an Edict, that all they who were vnder the Roman Empire, shou'd dispatch and carrie cleane away out of the Churches, the Statues and Images of all Saints, Martyrs, and Angels, to take away Idolatrie, as he said: and he that did otherwise, he would hold him for a publike enemie, or Traitor. But Gregorie doth not onely not obey so great impietie, but also admonisheth all Catholikes, that they would not in any sort commit so great an errour, through the feare, or Edict of the Prince. With which cohortation the people of Italie was so encouraged, that they went very neere to chuse another Emperour: but Gregorie laboured with all the power he could, that it should not be.*

And *Platina* addeth, that this Pope, *as a most holy man, often admonished the Emperour by Letters, that he would let goe the errours of some ill disposed persons about him, and em-*

braced the true faith at the length; and that he would forbeare to destroy the Images of the Saints, by whose memorie and example men might be stirred vp to the imitation of vertue.

I doe giue credit to this Author in this point aboue other more ancient Writers, especially strangers: the rather, for that he by the Commandement of *Sixtus Quintus* a Pope, hath written the Popes liues, and that at Rome, where he was furnished with many helpes of ancient Monuments, to finde out the truth of matters that passed in the Citie, and in Italie: which others wanting, as appeareth, did receiue nothing but vncertain reports, and scattered rumours of men, (who many times report that to be done, which they would faine haue done) for a certaine and cleere truth. If *Platina* had in silence passed ouer the former part of the storie, surely hee had confirmed as it were by a secret consent, the opinion of these men, who haue otherwise written of *Gregorie*. But seeing that hee was not ignorant that they had written so, (being a man much conuersant in those stories) and yet notwithstanding doth with a plaine contradiction impugne their opinion, it is very probable, that hee had farre better and more assured testimonies in the relation of those things which were done by this Pope. Wherefore it seemeth more reasonable, and more agreeable to the truth, to follow *Platina* in this matter, and to note a lie in the writings of *Zonaras*, (seeing it is prooued in experience, that they are deceiued many times, who from the relation of others doe commit to writing the sayings and doings of people that liued farre from them) then to blot the innocent life of an excellent Pope, with a filthie spot of iniustice and rebellion. For albeit it bee true, that according to his spirituall authoritie ouer all, hee might worthily excommunicate this Emperour; yet he might not prohibit, that the people, being subiect to the Romane Empire, should not giue tribute to Cesar, or pay their customes to the Emperour, so long as he continued Emperour, without the manifest breach of the

Law

Law of God, and of the Doctrine of the Gospell. And it is certaine that this *Leo*, although impious, continued *Cesar* vnto his death, not deposed from his Empire either by the people, or by the Pope. Therefore I say, that it is false which the Magdeburgers Centuriators doe write, that this Pope, who was famous both for Doctrine and life, was a Traitour to his Country. I say also, that it is false which *Bellarmine* propounds in the former example, that the Pope did set a Fine or Mulct vpon *Leo Isaurus Iconomachus*, to a part of his Empire: for hee practised no mischiefe, as appeareth by this storie of *Platina*, neither against the Country, nor against the Prince. Now followeth the sixth.

Chap. XLI.

THe sixth is of Zacharie, saith hee, *who being desired by the Nobilitie of France, deposed Childerique, and caused Pipine the Father of Carolus Magnus, to be created King in his place.*

Before I speake any thing of this example, it is worth my paines, to vnfold the darke storie touching the same, and briefly to describe the whole action of *Zacharie*, ioining the circumstances on both sides, together with the opinion, for proofe whereof it is brought: and by this meane it may more easily appeare to the Reader, how small strength it hath to confirme the proposition of the aduersaries.

First of all therefore, in that story it is worthy the obseruation, that *Childerique* and diuers other Meroningians, that were Kings before him, raigning without any authoritie at all in their Kingdomes, had nothing but the vaine and idle name of a King. *For the treasure and power of the State were in the hands of the Officers, who were called the Maiors of the Palace, and who indeede swaied the whole gouernment of the Kingdome:* who were so much aboue the Kings, and ordered and gouerned them, as the

King

King *possessed nothing of his owne, besides the idle name of the King, and some allowance assigned him for his maintenance during life, which the Maior of the Palace made him in his discretion, but one poore Lordship in the Country, of a small reuenew, and in that a house, where hee kept a few seruants to attend him for his neeessarie services, and to wait upon him*: as *Eginhartus* writeth in the life of *Charlemaine*.

If any then doe looke more neerely into the matter, he shall finde, that in those times there were after a sort two Kings in France: one, who like the King in the Chesse, *had onely the name of a King, but no kingly authoritie*, as *Aimoinus* speaketh: but the other, who was called the Maior of the Palace, *in whom consisted the whole authority of the kingdome*. He in name onely was vnder the King, but in authoritie and power ouer the King; so as he wanted nothing but the name, for the full and absolute Maiestie of ruling and raigning, which also at the last was giuen him by the people, that the soueraigne gouernment which he swaied, might be signified by the title of a soueraigne honour. Therfore *Aimoinus* speaking of *Charles Martel*, father of *Pipine*, who ouerthrew a huge Armie of Saracens, rushing into France out of Spaine: *King Charles* saith hee, *hauing beaten and ouercome the armies of his enemies, vnder Christ the Author and Head of Peace and Victorie, returned home in safetie into France, the seat of his gouernment*. Marke how he calles the Maior of the palace a King, by reason of that royall authority which he bare.

Secondly, in that storie is to bee obserued, that the Nobilitie of France, being weary of the slothfulnesse of their idle Kings, did with a wonderfull consent conuert their eies and hearts to *Pipine* Maior of the Palace, sonne to *Charles*; which did so animate him to the hope of the Kingdome, *that hee openly, without niceneſſe, affected the name of a King*: which that hee might more easily compasse, without mislike and displeasure of the Commons, he resolued, that the Pope was first to be dealt withall by an Embassadour, and his assent to be required; iudging indeede,

indeede, as the truth was, that if the Pope should giue his assent, that the Commons would easily rest in his iudgement, by reason of the holinesse and reuerend opinion of the See Apostolique.

Thirdly, we must vnderstand, that *Zacharie* the Pope was generally aduised withall *in the cause of the Kings, which raigned at that time in France, whether ought to bee called King, he who had only the name of a King, and no royall authoritie, or he who by his industrie and wisdome did manage and gouerne all the affaires of the State:* and that hee the same Pope answered generally againe, *that it were better that he should be called King, in whom the soueraigne authoritie did reside; by which answer the Nobilitie being induced, doe elect Pipine King.* There is no question, but that the Pope was truly acquainted in *hypothesi*, that is, in particular, that *Childerique* was to bee abandoned, *who carried onely the false name of a King*, and that *Pipine* was in his place to bee aduanced to the Crowne. But I suppose that hee answered so generally, for that the proposition being deliuered in generall tearmes, carried no note of any certaine person, and left to the Nobilitie of France their iudgement entire and free, to collect from thence that which they desired. And so the Pope did not simply depose *Childerique*, but gaue his assent with the Deposers. But because his consent was especially regarded, therfore certaine Historians doe precisely say, that hee deposed *Childerique*.

Lastly, in that storie it must be seriously and diligently weighed, that *Zacharie* the Pope, hauing heard *Pipinus* his Embassadours, touching the change of the Kingdome, and deposition of *Childerique*, iudged it to bee a matter of such noueltie, and difficultie also, *as at the first hee durst not entertaine the thought of so great an enterprise*, although that by this time he had vnderstood sufficiently, that the sloth and idlenesse of the Merouingians did greatly endammage the Church and Christian

Common-wealth, vntill such time as hee was certainely perswaded and saw, that the whole nobility of France did fauour *Pipin*, and desire him for their King, and moreouer, that *Childericque* was the last of the race of the *Meroningians* without children, so dull and blockish, *That he could not tell how to grieue for the losse of his kingdome, as was fit for him, neither was there any that would mone his case.* These were the inducements, which being ioined with a speciall loue & affection, which the Pope did beare to *Pipine* (for that he and his father *Charles*, had with many good offices deserued well of the Church of Rome and Apostolicke Sea,) did moue *Zacharie* to assent to the French, who desired this change of their Kings.

These things although they be in this manner written touching this businesse, yet haue we great cause to doubt of the iustice of that fact. I know that *Bellarmine* in other places out of too much good opinion of the equity of this fact of *Zachary*, doth boldly affirme, that no sober man wil deny that that Act was iust. But he alledgeth nothing, but that the wisest man liuing may affirm for all that, that it was iniust. I say he brings no probable and forcible reason, whereby a wise man may perswade himselfe, that the Pope did iustly assent to the French men in the deposition of *Childericke*, since that in no case, we ought to doe ill, that good although it be very great may come thereof. Now wee haue sufficiently declared, that for a lawfull King to bee deposed by his owne subiects, or to consent to the deposers, seeing hee hath God onely aboue him, to whome onely he is bound to yeeld account of his actions, is by it selfe, and simply euill. And the two reasons which he vseth to iustifie the iustice of that deposition, are so vncertaine and friuolous, that I wonder that they were euer propounded by him. For first, in that he measures the equity of this fact of *Zachary* by the euent of the

busi-

buſineſſe, as though the action muſt be accounted iuſt, becauſe that change of the Kingdome had proſperous and happy ſucceſſe. (*eſpecially*, ſaith he, *ſince the euent doth teach, that that change was moſt happy.*) it is ſo triuiall and childiſh, that it was not to be conceiued, much leſſe alleadged in writing by ſuch a man,

——*Care at ſucceſſibus opto,*
Quiſquis ab euentu facta notanda putet.

For what I pray you? Was not afterwards in the ſame Kingdome of France the change from the Carolouingii to the Capeuingii made with great iniuſtice? *For Hugo Capet a man of a great mind, and might in the ſtate, when none was able to repreſſe or encounter his practiſes, vſurped the Kingdom by force & arms, & obtained the crown, taking the true heire, and caſting him into priſon.* For which fact *Gaguinus* calleth him an vſurper of the Kingdome. And yet all the world doth know that that change was moſt happy, and as ſome thinke, done by the ſecrete iudgement of God, that *Pipine* who had wrongfully taken the Kingdome from the *Merouingij*, ſhould at the laſt ſuffer the like wrong in his poſterity. Therefore the *Caroloungians* did not ſo long hold the Kingdome, if they bee compared with the *Capeuingians*. And the *Capeuingians* haue the gouernement much longer eſtabliſhed in their houſe, and as I hope will haue for euer.

The ſecond reaſon alſo, is no whit ſtronger which he draweth from the holineſſe of *Boniface* the Biſhoppe, who at the commandement of *Zacharie* anointed and crowned *Pipine* King. *Adde*, ſaith he, *to theſe, that hee who anointed and crowned King Pipine by the Popes commandement, was a moſt holy man, viz. B.* Boniface *Biſhoppe and Martyr, who ſurely would neuer haue beene the author of iniuſtice, and of a publicke offence.* This I ſay is a very light argument, and of no waight. For in that buſineſſe *Boniface* was onely a Miniſter of the Apoſtolicke

ſtolicke commaundement, and therefore it was no preiudice to his holineſſe, which he executed at the Popes commaundement: for he was bound to execute the Popes ſentence, [c] although he knew it to be iniuſt: and therefore *although the iniuſtice of the commaundement had made Zacharie guilty, yet Boniface had beene declared to bee innocent by the order of ſeruing, and neceſſity of obedience* [d]. Therefore *Boniface* might with a ſafe conſcience fulfill the commaundement of *Zacharie*, though it were iniuſt. But this *Zacharie* was a good Pope. It may bee ſo, wee denie it not, ſo was *Dauid* a good King, and holy, and *Theodoſius* a good Emperour: *Marcellinus* and *Liberius* were both good Popes, and yet not one of theſe but committed ſome things worthy of blame. Why then might not *Zacharie* alſo ſerue his owne malice or loue, and after the manner of men in ſome part violate iuſtice? It is well knowne that *Zacharie* in thoſe times did ſtand in extream need of *Pipines* aid, againſt the iniuries of *Aiſtulphus* & the *Longobardes*; and was not that a ſtrong engine to batter iuſtice, thinke you? loue, hatred, and a proper gaine, make that a Iudge many times doth not know [e] the truth.

[c] *Cap. Paſtoralis §. quia verò de off. iud. deleg.*
[d] *Can. quid culpatur. 23. q. 1. can. miles. 23. q. 5.*
[e] *Ariſtot. lib. 2. Rhet. ad Theodectem. Cap. 1.*

But to ſtriue no longer about the equity of this act of *Zacharie*, let it bee as they would haue it, let vs grant that that Act was moſt iuſt: what ſtrength doe they winne by this, to make good the temporall authority which they giue to the Pope ouer Princes? is it any more, then that by the patterne of that action, the Pope may now doe, as then *Zacharie* did? which is, that hee may giue his conſent to a people for the like cauſes & reſpects to put down their king? that is to ſay, if he bee a King, that hath onely the Name, and not the authority or power of a King, who alſo hath no iſſue, like to die in orbitie, and of mind ſo ſlothfull and ſo blockiſh, that hee may bee depoſed without any bloud-

bloudshed, and of a Prince may bee made a priuate person, no man moaning his fortune, no man following his party. For an argument from an example is nothing, vnlesse the cases and causes be alike in each respect. Therfore this example of *Zacharie*, What maketh it to establish that infinite authority, wheron the Popes relying in the following ages, haue attempted, and sometimes gloried that they could vndertake mighty Kings, abounding in all manner of wealth, excelling in strength both of mind and body, not at the request of the people, nor by consent onely, but of their proper motion, by warres, by murther, by Schismes, by great miseries of the Christian common-wealth, to depriue them of their Kingdomes, and to spoile them of their crownes and scepters? Will any wise man iudge that this is lawfull for them to doe, by the example of *Zacharias* his Act? But of this matter enough.

CHAP. XLII.

THe death of the Author enuied vs this last part of the Booke.

FINIS.

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